

11 April 2016

Committee	Council
Date	Tuesday, 19 April 2016
Time of Meeting	6:00 pm
Venue	Council Chamber

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
3.	MINUTES	1 - 9
	To approve the Minutes of the meeting held on 18 February 2016.	
4.	ANNOUNCEMENTS	
	1. When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.	
	In the event of a fire any person with a disability should be assisted in leaving the building.	
	2. To receive any announcements from the Chairman of the Meeting and/or the Chief Executive.	
5.	ITEMS FROM MEMBERS OF THE PUBLIC	
	a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.	
	<i>(The deadline for public participation submissions for this meeting is 13 April 2016).</i>	
	b) To receive any petitions submitted under the Council's Petitions Scheme.	
6.	MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES	
	To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated on 19 April 2016.	
	<i>(Any questions must be submitted in writing to Democratic Services by, not later than, 10.00am on the working day immediately preceding the date of the meeting).</i>	
7.	LEADER OF THE COUNCIL - STATE OF THE BOROUGH PRESENTATION	
	To receive a 'State of the Borough' presentation from the Leader of the Council, Councillor R J E Vines	
8.	OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2015/16	10 - 39
	To consider the Overview and Scrutiny Committee's Annual Report.	

Item	Page(s)
9. RECOMMENDATIONS FROM EXECUTIVE COMMITTEE	
The Council is asked to consider and determine recommendations of a policy nature arising from the Executive Committee as follows:-	
(a) Council Plan	40 - 58
At its meeting on 6 April 2016 the Executive Committee considered a report which detailed the updated Council Plan and RECOMMENDED TO COUNCIL that the Council Plan be ADOPTED .	
10. REVIEW OF PROTOCOL FOR MEMBER/OFFICER RELATIONS	59 - 73
To consider and approve the Protocol for Member/Officer Relations.	
11. COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE	74 - 95
To agree that public consultation be undertaken on the Tewkesbury Borough CIL Draft Charging Schedule (DCS) prior to independent examination.	
12. SEPARATE BUSINESS	
The Chairman will move the adoption of the following resolution: That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
13. SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE	
The Council is asked to consider and determine separate recommendations of a policy nature arising from the Executive Committee as follows:-	
(a) Funding for Collapsed Bank Repairs - The Grange, Bishop's Cleeve	96 - 103
<i>(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))</i>	
At its meeting on 6 April 2016 the Executive Committee considered a report which requested the use of capital funds for collapsed bank repairs.	

(b) Tewkesbury Town Regeneration

104 - 131

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

At its meeting on 6 April 2016 the Executive Committee considered a report on the Tewkesbury Town Regeneration and made a recommendation to Council thereon.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Mayor will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 18 February 2016 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R E Allen
Councillor Mrs G F Blackwell

and Councillors:

P W Awford, R A Bird, R Bishop, G J Bocking, K J Cromwell, D M M Davies, Mrs J E Day, M Dean, R D East, A J Evans, D T Foyle, R Furolo, R E Garnham, Mrs P A Godwin, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, B C J Hesketh, Mrs S E Hillier-Richardson, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, A S Reece, V D Smith, T A Spencer, Mrs P E Stokes, P D Surman, H A E Turbyfield, R J E Vines, D J Waters, M J Williams and P N Workman

CL.64 APOLOGIES FOR ABSENCE

64.1 Apologies for absence were received from Councillors Mrs K J Berry, J H Evetts, Mrs H C McLain and M G Sztymiak.

CL.65 DECLARATIONS OF INTEREST

65.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

65.2 There were no declarations of interest made on this occasion.

CL.66 MINUTES

66.1 The Minutes of the meeting held on 26 January 2016, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.67 ANNOUNCEMENTS

67.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

67.2 The Mayor referred to the recent loss of two of the Council's Honorary Aldermen; Mark Calway and Bill Whelan. He invited the Leader and Deputy Leader to say a few words prior to holding a minute's silence as a mark of respect.

67.3 The Leader of the Council, Councillor Robert Vines, indicated that it was with great sadness that he was speaking about the recent passing of Honorary Alderman Bill Whelan. He explained that he had known Bill for a number of years and had seen him fighting illness courageously and without complaint for quite a few months. Bill had always had an enormous passion for life and especially, Churchdown, Innsworth and Down Hatherley, the areas he represented as a Parish, County and, until recently, a Borough Councillor; it was often commented that he was the unseen King of Churchdown. He explained that Bill would always take on any

issue that he felt was worthwhile and was never parochial in how he came to decisions made at any of the places at which he was a representative. He was tenacious in the way he dealt with issues and would never give up on a cause if there was a fight to be won. He noted that, whilst they had different political views, and those had often resulted in an agreement to differ, they had never had cross words and he had regarded Bill as a close friend. Councillor Vines felt that the GL3 Hub in Churchdown was a memorial to Bill who had worked tirelessly to help make it the incredible success that it was – he suggested that it should be renamed ‘Bill’s Place – Legend’.

- 67.4 The Deputy Leader of the Council, Councillor Dave Waters, advised that it was with a heavy heart that he was speaking about the recent death of Honorary Alderman Mark Calway. He explained that he sometimes wondered if Mark had been born wearing a rosette as he had been a young conservative since he was 16 years old. Such was his passion for politics that he had become a Borough Councillor at the age of just 22 years old and had been the youngest Borough Mayor during the time he served on the Council. Following his time on the Council, Mark had taken up the position of Personal Assistant to Laurence Robertson MP a role he had undertaken for the last 16 years. In Councillor Waters’ view, Mark had been a great role model for dealing with casework given his passion and work rate and the amount of cases that he had fought and won over the years. He explained that politics had run in the family as Mark’s father, Brian Calway, had also been a Borough Councillor, and had recently been made an Honorary Alderman, and his mother, Maureen, had served as Mayoress to two Borough Mayor’s as Brian had also been Mayor whilst on the Council. He felt that the loss was made even more difficult given that Mark was so young and he was pleased to have been his friend during the years they had known each other.
- 67.5 The Mayor indicated that both Bill and Mark would be sadly missed and the thoughts of the Council were with Bill’s partner Kay and Mark’s parents, Brian and Maureen, and their families at this difficult time. He invited Members to stand for a minute’s silence in their honour.
- 67.6 Steve Read and Bruce Carpenter, representatives from the Gloucestershire Joint Waste Team, were welcomed to the meeting. The Mayor advised that they were in attendance for Item 7(a) – Waste Service Review and Vehicle Procurement.

CL.68 ITEMS FROM MEMBERS OF THE PUBLIC

- 68.1 There were no items from members of the public on this occasion.

CL.69 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

- 69.1 There were no Member questions on this occasion.

CL.70 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Waste Service Review and Vehicle Procurement

- 70.1 At its meeting on 3 February 2016 the Executive Committee had considered a report which detailed the outcome of a waste review and had resolved a) that the findings of the Waste Service Review be endorsed; b) that the comingled recycling service, with separate food waste collections (Option 2), be adopted as the preferred option for implementation in 2017; c) that it be recommended to Council that £3.25million be allocated from capital resources to fund the vehicle replacement programme; and d) that authority be delegated to the Deputy Chief

Executive, in consultation with the Lead Members for Clean and Green Environment and Finance and Asset Management, to procure the new and replacement vehicles.

70.2 The report that had been considered by the Executive Committee had been circulated at Pages No. 11-25.

70.3 The recommendation from the Executive Committee was proposed by the Chairman of the Committee and seconded by the Lead Member. In seconding the proposal, the Member indicated that an extensive review had been undertaken which had resulted in the recommendations which had been made. He had been heartened that the Council would still be able to offer the same service to residents that they already had and which they liked. He was also pleased that the Council would be ready to embrace the new residual waste disposal unit at Javelin Park which the County Council was committed to delivering.

70.4 The Leader of the Council expressed his appreciation to the representatives from the Joint Waste Team who had attended the Council's meetings and seminars on the subject and presented the case extremely efficiently. He felt it was that approach which had resulted in there being no further questions from Members at the current meeting.

70.5 Accordingly, it was

RESOLVED

- a) That the findings of the Waste Service Review be **ENDORSED**.
- b) That the comingled recycling service, with separate food waste collections (Option 2), be **ADOPTED** as the preferred option for implementation in 2017.
- c) That £3.25million be allocated from capital resources to fund the vehicle replacement programme.
- d) That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Members for Clean and Green Environment and Finance and Asset Management, to procure the new and replacement vehicles.

Budget 2016/17

70.6 At its meeting on 3 February 2016 the Executive Committee considered the 2016/17 budget and recommended to Council i) that a net budget of £9,663,342 be approved; ii) that a Band D Council Tax of £104.36, an increase of £5.00 per annum, be approved; iii) that the use of New Homes Bonus, as proposed in Paragraph 3.5 of the report, be approved; iv) that the capital programme, as proposed in Appendix A to the report, be approved; v) that the capital prudential indicators, as proposed in Appendix B to the report, be approved; vi) that the annual Minimum Revenue Provision (MRP) statement, as contained in Appendix B to the report, be approved; vii) that the mid-year 2015/16 Treasury Management update, as contained in Appendix C to the report, be approved; viii) that the 2016/17 Treasury Management Strategy, as proposed in Appendix D to the report, be approved; ix) that authority be delegated to the Finance and Asset Management Group Manager, in consultation with the Lead Member for Finance and Asset Management, to apply to the Government for a four year Settlement if he believes it to be in the best interests of the Council.

70.7 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 26-69.

70.8 The recommendation from the Executive Committee was proposed and seconded and the Lead Member expressed his thanks to the Transform Working Group and the Finance Team for their hard work in putting together a balanced budget in such difficult circumstances.

70.9 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on the proposal was recorded as follows:

For	Against	Abstain	Absent
R E Allen	Mrs S E Hillier- Richardson		Mrs K J Berry
P W Awford			J H Evetts
R A Bird			Mrs H C McLain
R Bishop			M G Sztymiak
Mrs G F Blackwell			
G J Bocking			
K J Cromwell			
D M M Davies			
Mrs J E Day			
M Dean			
R D East			
A J Evans			
D T Foyle			
R Furolo			
R E Garnham			
Mrs P A Godwin			
Mrs M A Gore			
Mrs J Greening			
Mrs R M Hatton			
B C J Hesketh			
Mrs A Hollaway			
Mrs E J MacTiernan			
J R Mason			

A S Reece

V D Smith

T A Spencer

Mrs P E Stokes

P D Surman

H A E Turbyfield

R J E Vines

D J Waters

M J Williams

P N Workman

70.10 Accordingly, it was

RESOLVED

- i. That a net budget of £9,663,342 be **APPROVED**.
- ii. That a Band D Council Tax of £104.36, an increase of £5.00 per annum, be **APPROVED**.
- iii. That the use of New Homes Bonus, as proposed in Paragraph 3.5 of the report, be **APPROVED**.
- iv. That the capital programme, as proposed in Appendix A to the report, be **APPROVED**.
- v. That the capital prudential indicators, as proposed in Appendix B to the report, be **APPROVED**.
- vi. That the annual Minimum Revenue Provision (MRP) statement, as contained in Appendix B to the report, be **APPROVED**.
- vii. That the mid-year 2015/16 Treasury Management update, as contained in Appendix C to the report, be **APPROVED**.
- viii. That the 2016/17 Treasury Management Strategy, as proposed in Appendix D to the report, be **APPROVED**.
- ix. That authority be delegated to the Finance and Asset Management Group Manager, in consultation with the Lead Member for Finance and Asset Management, to apply to the Government for a four year Settlement if he believes it to be in the best interests of the Council.

CL.71 COUNCIL TAX 2016/17

- 71.1 Having agreed the Council's 2016/17 budget earlier in the meeting, attention was drawn to a report, circulated around the table, which asked Members to approve and set a Council Tax requirement for 2016/17.
- 71.2 In proposing the recommended Council Tax level, a Member advised that the recommendation would see the Council Tax for a Band D property rising by £5 per year. For Tewkesbury Borough this would make the Band D Council Tax £104.36 for 2016/17 which compared to £1,134.01 for Gloucestershire County Council; £210.31 for the Police and Crime Commissioner; and an average of £53.51 for Parish and Town Councils. This was the first time in five years that a Council Tax increase was proposed by the Borough Council and, whilst it was unfortunate, it seemed to be the only way that the Council could continue to provide its services against a backdrop of reductions in central government funding. The Member indicated that he wished to publically offer his thanks to the Finance and Asset Management Group Manager and his Team for their hard work.
- 71.3 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting was recorded as follows:

For	Against	Abstain	Absent
R E Allen	Mrs S E Hillier- Richardson		Mrs K J Berry
P W Awford			J H Evetts
R A Bird			Mrs H C McLain
R Bishop			M G Sztymiak
Mrs G F Blackwell			
G J Bocking			
K J Cromwell			
D M M Davies			
Mrs J E Day			
M Dean			
R D East			
A J Evans			
D T Foyle			
R Furolo			
R E Garnham			
Mrs P A Godwin			
Mrs M A Gore			

Mrs J Greening

Mrs R M Hatton

B C J Hesketh

Mrs A Hollaway

Mrs E J
MacTiernan

J R Mason

A S Reece

V D Smith

T A Spencer

Mrs P E Stokes

P D Surman

H A E Turbyfield

R J E Vines

D J Waters

M J Williams

P N Workman

71.4 Accordingly, it was

RESOLVED

1. That it be **NOTED** that on 18 February 2016 the Council calculated:
 - a) the Council Tax base 2016/17 for the whole Council area as £31,814.95 (Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")); and
 - b) for dwellings in those parts of its area to which a Parish Precept relates as attached in Appendix C to the report.
2. That the Council Tax requirement calculated for the Council's own purposes for 2016/17 (excluding Parish Precepts) is £3,320,196.
3. That the following amounts be calculated for the year 2016/17 in accordance with Sections 30 to 36 of the Act:
 - a) £35,704,269 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all Precepts issued to it by Parish Councils.
 - b) £30,681,570 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

- c) £5,022,699 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31(A)(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
- d) £157.87 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts).
- e) £1,702,503 being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act (as per Appendix C to the report).
- f) £104.36 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept relates.
- g) The amounts stated in column 5 (Band D Parish/Town and Borough b) of Appendix B to the report are given by adding to the amount at 3(f) above the amounts of special items relating to dwellings in those parts of the Council's area specified in column 1 of Appendix B in accordance with Section 34(3) of the Act. For completeness the table shows all areas.
- h) The amount set out in Appendix B to the report given by multiplying the amounts at 3(g) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation Band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation Bands.

4. That it be **NOTED** that, for the year 2016/17, Gloucestershire County Council and the Office of the Police and Crime Commissioner for Gloucestershire have stated the following amounts in Precepts issued to the Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Gloucestershire County Council (£)			Office of the Police and Crime Commissioner (£)
	ASC	General	Total	
A	14.54	741.47	756.01	140.21
B	16.96	865.05	882.01	163.57
C	19.39	988.62	1,008.01	186.94
D	21.81	1,112.20	1,134.01	210.31
E	26.66	1,359.35	1,386.01	257.05
F	31.50	1,606.51	1,638.01	303.78
G	36.35	1,853.67	1,890.02	350.52
H	43.62	2,224.40	2,268.02	420.62

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts, set out in in Schedule 3 to the report, as the amounts of Council Tax for the year 2016/17 for each of the categories of dwellings shown in Schedule 3.
6. The Council has determined that its relevant basic amount of Council Tax for 2016/17 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2016/17 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.

The meeting closed at 6:35 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 April 2016
Subject:	Annual Overview and Scrutiny Report 2015/16
Report of:	Graeme Simpson, Corporate Services Group Manager
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Councillor Mrs E J MacTiernan
Number of Appendices:	One

Executive Summary:

The role of the Overview and Scrutiny Committee is to assure that the Council's work is transparent, that it is held accountable for its decision-making and that the needs of the community are considered. Reporting the work of the Overview and Scrutiny Committee through an annual report provides an opportunity for both the Council and the public to view the work of the Committee.

The report will be considered by the Overview and Scrutiny Committee on 12 April and any update from that meeting will be provided to Council at its meeting on 19 April 2016.

Recommendation:

To consider the contents of the Overview and Scrutiny Annual Report 2015/16.

Reasons for Recommendation:

It is important to ensure that the activities of the Overview and Scrutiny Committee are promoted both internally and publicly to reinforce transparency and accountability in the democratic process. It is also a requirement of the Council's Constitution that the Overview and Scrutiny Committee must report annually to the Council on its workings.

Resource Implications:

None.

Legal Implications:

None.

Risk Management Implications:

None.

Performance Management Follow-up:

Annual review of the work of the Committee provides transparency and accountability and helps the Overview and Scrutiny Committee prepare its work programme.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 The Overview and Scrutiny function must deliver the work required of it as set out in the Council's Constitution. The Committee has a formal work programme for the year and it ensures the volume of work does not compromise the depth of examination required, does not duplicate the work of other Committees and adds value.

2.0 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT

2.1 Not only is it a requirement of the Council's Constitution to report the activities of the Committee on an annual basis but it is good practice. The annual report demonstrates the broad coverage of activities that the Committee has scrutinised and reviewed during the year. This coverage has been undertaken through a combination of the following;

- progress reports from Officers on the delivery of key strategies and policies;
- quarterly performance management reporting;
- Working Groups to review specific areas of interest;
- presentations from Officers and external organisations; and
- scrutiny review of new strategies and policies.

The 2015/16 annual report can be found in Appendix 1.

2.2 It is a requirement of the Council's Constitution that the Overview and Scrutiny Committee must report annually to Council.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 None.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1 None.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1 None.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1 None.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1 Overview and Scrutiny Committee on 12 April 2016.

Background Papers: None.

Contact Officer: Graeme Simpson, Corporate Services Group Manager
Tel: 01684 272002 Email: graeme.simpson@teWKesbury.gov.uk

Appendices: 1 – Overview and Scrutiny Committee Annual Report 2015/16

Overview and Scrutiny Committee's annual report

2015-16



April 2016

Message from the Chairman of Overview and Scrutiny Committee, Councillor Phil Awford



I am pleased to present the 2015-16 Annual Report of Tewkesbury Borough Council's Overview and Scrutiny Committee. This is my first year as chairman of Overview and Scrutiny Committee and have been supported by Councillor Gill Blackwell as vice chair, and by a very able and committed group of councillors.

This has been our first year working together as a committee following the elections in May 2015 and we have examined a variety of topics. The committee has once again been at the heart of the council's decision making process and acted as a critical friend to the Executive Committee in helping to shape and inform the council's decision making.

On a quarterly basis, the committee receives a wealth of performance information, which includes a performance tracker report monitoring the progress of actions within the Council Plan, and progress against a range of key performance indicators. A new Customer Care Strategy has been developed following a direct result of a committee member's concern relating to departments call handling procedures.

In February this year, a workshop was held to share the views and experiences of the current Overview and Scrutiny Committee to identify any areas where the committee could add more value. Opinions of members were sought on many areas including the work programme and a review of performance management. Members were very supportive of more training and welcomed the idea of some form of external assessment to give assurance the committee is effective.

Looking ahead, there is a great opportunity for overview and scrutiny to support the council through its future challenges. The development of a new Council Plan will set out new priorities and objectives within the performance tracker and local performance indicators, and the continuation of delivering the peer challenge action plan will all help strengthen the council's improvement journey.

We endeavour to have more external bodies attend the committee such as; Fire and Rescue Service and Healthwatch Gloucestershire. Programmed into the committee's work programme for 2016/17 is the monitoring of the delivery of the Disabled Facilities Grant Review, delivery of the new Council Plan and a review on the scheme of public participation at planning committee.

I would like to take this opportunity to thank all the committee members for their contributions and supporting me in my first year running as chairman for overview and scrutiny.

Best wishes

Councillor Phil Awford

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The role of overview and scrutiny- Formal work programme

Overview and scrutiny is a vital part of the role of the council. It must deliver work required of it as set out in the council’s constitution. This must be set within the context of the council’s priorities, emerging areas of interest and the resources available to the committee.

The committee has a formal work programme for the year and it ensures the volume of work does not compromise the depth of examination required, does not duplicate the work of other committees and adds value. The work programme recognises the council’s priorities and consists of a number of regular items, for example:

- Consideration of the Overview and Scrutiny Committee forward work plan – this ensures the programme remains relevant and activities are correctly timetabled.
- Consideration of the Executive Committee’s forward work plan- this highlights any emerging areas where the Overview and Scrutiny Committee could support the Executive Committee.
- Performance management – on a quarterly basis, the committee receives both financial and non-financial information on how well the council’s priorities are being delivered. This provides a wealth of information and opportunity for the committee to make a difference through the challenge and scrutiny of the performance data.
- Complaints – on a six monthly basis a report is received summarising customer complaints and Local Government Ombudsman complaints made in the period. This helps to identify trends and potential opportunities to learn from the complaints made.
- Policy and strategy monitoring – in addition to the formal review of new or updated policies and strategies during the year, a number of these are then formally monitored by overview and scrutiny to ensure their delivery.
- Feedback from the Gloucestershire Police and Crime Panel – the committee receives regular feedback from Councillor Rob Garnham on any issues arising and where the council can act as advocates for community safety.
- Feedback from the Gloucestershire County Council Health and Care Overview and Scrutiny Committee – the committee receives regular feedback from Councillor Janet Day on any issues arising and where the council can act as advocates for health and well-being.
- Progress of any scrutiny reviews that are being undertaken.
- Progress against actions following conclusion of a scrutiny review.

Task and finish groups

The committee can appoint task and finish groups to focus on specific reviews. These small scrutiny groups undertake research to fully understand the topic it is reviewing. This could involve inviting external people to attend meetings to provide information on the review topic; for example members of the public, specialists or other external bodies. These groups provide an excellent arena for the committee to consider ways to improve existing practices within the council and ultimately have a positive impact upon our residents. A flow chart on how to consider potential scrutiny reviews can be found at Appendix A.

Requests for additional information

The committee, whilst undertaking its review of the work programme activities, may challenge or request additional information to help increase their knowledge or understanding of a particular area. This is particularly relevant when reviewing the performance management information. When the committee has requested further information, this is normally provided in the form of a presentation. For example, a presentation of the Revenue and Benefits Improvement Project resulted in a follow-up presentation being held on Universal Credit to get an understanding of the scheme and its impact to the council.

Pre-scrutiny of key policies and strategies

The committee also provides support to the Executive Committee by undertaking pre-scrutiny of key policies and strategies. This gives the

committee the opportunity to feed its thoughts and recommendations into the decision making process. Previously members made an excellent suggestion of pulling together a list of policies and strategies and their review dates. This list now helps to inform the work programme. Reviews of a single policy or strategy have been shorter, sharper reviews and have enabled the whole committee to participate rather than a small working group of members, for example the Customer Care Strategy.

The committee is also responsible for any ‘call-in’ of decisions. This is an important part of scrutiny and allows the Overview and Scrutiny Committee to ensure decisions have been made within the council’s policy framework. No call-ins have been made during this year.

Overview and scrutiny activity during 2015-16

Scrutiny reviews of policy and strategy

Review of discretionary housing payment policy - 21 July 2015

The existing policy for discretionary housing payments needed to be reviewed following the impact of the welfare reform, the Chancellor’s budget of 8 July 2015, work carried out on financial inclusion and the completion of the revenue and benefits improvement project.

The new policy set out that the local authorities may make payment awards towards other housing costs in order to better reflect the proposed changes to the policy. It was also necessary to set out that the level of discretionary housing

"Whilst **customer care is important to the council**, we have never had a customer care strategy before."

payments were made in writing, and with supporting evidence, and consideration was given to background information about levels of income and expenditure.

Members of Overview and Scrutiny Committee attended a workshop to conduct the review and resolved that the findings of the review of the Discretionary Housing Payments Policy be endorsed and was recommended to the Executive Committee to adopt the revised policy, the policy was adopted on 2 September 2015.

Review of customer services strategy 23 February 2016

Whilst customer care is important to the council, we have never had a Customer Care Strategy before. With this in mind a new strategy was created detailing how we plan to deliver the council's customer care and outlines the organisational commitments we will make to our customers.

Members of Overview and Scrutiny Committee attended a workshop on 11 January where the standards within the strategy were reviewed. Members were fully supportive of the strategy and subsequently it was reported to Overview and Scrutiny Committee on 23 February 2016. The strategy was subsequently approved at Executive Committee on 9 March 2016.

Presentations made to overview and scrutiny

Revenues and benefits improvements project presentation 7 April 2015

The committee received a presentation from the revenue and benefits group manager and benefits operations manager. The presentation covered the following areas:

- The council's aim- to improve the service delivered to customers.
- Background information on processing times, benefits and council tax collections.
- The review's response- regular meetings of the transformation group engaging with staff; mapping the processes to strip out bureaucracy and engaging with other organisations such as Severn Vale Housing Society, Citizen's' Advice Bureau and customers.
- The outcome- now top quartile nationally, which exceeded expectations with better performance in collections and processing; housing benefit subsidy, business rates, housing benefits new claims and council tax. This was carried out removing unnecessary software, processes and a culture change for staff.

Committee questioning included the following:

- How much of the improvement was due to the new way of working and how much could be attributed to simplifications at a national level.
- Performance would continue to be monitored against other authorities and confirmation was provided that this was the case.
- Whether the new ways of working were conducive to Universal Credit.

Joint Waste Committee presentation 21 July 2015

The contracts team leader for the Gloucestershire Joint Waste Team (JWT) carried out a presentation on the work of the JWT and Joint Waste Committee. The presentation covered the following areas:

- Background of the Gloucestershire JWT and committee, its key objectives, functions and the council's role as a member of the committee.
- Details of the Gloucestershire Joint Municipal Waste Management Strategy- showing the waste and recycling service design for each authority across the county.
- An update was given on the actions that took place from the business plan covering 2015-2018. This included details on waste minimisation by increasing the volume of food waste diverted to landfill.
- Information relating to legislative changes in collections of recycling and the impact of this.
- Changes to the funding availability for school and community education programmes.

Committee questioning included the following:

- Possible provisions of recycling banks be included as part of the planning permission for developments over a certain size.
- Options of the recycling collections following legislative changes.
- What happened to textile materials that are not being recycled and could they be placed in the residents blue recycling bins.

Community Safety Partnership 8 September 2015

The committee received a presentation from the environmental and housing services group manager and Tewkesbury Police Inspector Dave Goga on the borough's Community Safety Partnership (CSP). The presentation covered the following key points:

- Proposed changes to the CSP structure.
- Involving communities- help relaunch Neighbourhood Coordination Groups.
- Funding the priorities- bid submitted to Police Crime Commissioner which targeted six priorities (Accessibility and Accountability; Older but not Overlooked; Young People becoming Adults; Safe Days and Nights for All; Safe and Social Driving; and Safer Cyber).
- What's next- arrange a workshop to share the structure and receive feedback from partners and decide a launch date.
- The re-organisation of police shift patterns.
- Reintroduction of Street Safe and Pubwatch Scheme reinvigorated with local licensees.
- Crime performance indicators.
- Anti-social behavior group- understanding issues in the area.

Committee questioning included the following:

- Clarification of the Neighbourhood Watch.
- Updates on crimes within rural areas.
- Crime figures- did these include crimes investigated by the Military.
- Police Crime Commissioner's priorities and funding- how much could be used on anti-social behavior?
- Police involvement at parish meetings.

“Once adopted, the new Economic Development Tourism Strategy will help to drive the borough to be the **primary growth engine** of Gloucestershire’s economy.”

Update on Universal Credit 20 October 2015

The committee received a presentation from the revenues and benefits group manager giving members an update on a new government scheme Universal Credit. The presentation covered the following:

- Details of what universal credit is.
- Who the scheme would apply to.
- Implementation timescales.
- The council’s role in the scheme.

Committee questioning included the following:

- Raising awareness for residents who are not able to manage their own finances.
- Whether claimants would be allocated a particular person to offer help and advice.

Overview and scrutiny working groups

Review of Economic Development and Tourism Strategy

Terms of reference: approved 16 June 2015

The current Economic Development and Tourism Strategy ‘Regenerating and Growing the Economy’ 2012-2015, was successfully delivered and a new strategy is required. A working group of six members plus the lead member of economic development/ promotion, and finance and asset management was formed to consider the following:

- The key priorities for the borough to have a strong and prosperous economy.
- The council’s Small Business Grant Scheme and how it could be developed into a wider support programme.
- What actions the borough can undertake to help new-start businesses, support existing enterprises, attract new businesses, improve skills and support residents back to work.
- How the borough can develop within the M5 Growth Zone.
- How priorities can be aligned with wider growth opportunities emerging through the Gloucestershire Strategic Economic Plan, Growth Deal and EU Structure and Investment Funds Strategy.
- The partnerships the council will need to work with to enable and achieve sustainable economic growth.
- How policies and employment allocations in the Joint Core Strategy and Borough Plan can support jobs growth, sector development and inward investment.
- An assessment of the borough economy, including relevant policies and economic drivers.

The working group is meeting regularly, and is gathering, considering and reviewing a range of information including data, funding options, liaising with representatives from the Local Enterprise Partnership and ensuring the new strategy links into the new Council Plan.

Once adopted, the new Economic Development Tourism Strategy will help to drive the borough to be the primary growth engine of Gloucestershire’s economy.

Review of Disabled Facilities Grants (DFG)

Terms of reference: approved
21 July 2015

A working group of four members plus the lead member for clean and green environment was formed to consider the council’s approach to DFGs. The aim of the review was to gain a clear understanding of:

- The statutory and discretionary processes involved in allocating grants and how they are applied locally.
- How grants are funded (including comparisons with other local authorities).
- What agencies are involved in the processes and what role they fulfil (including the involvement of registered providers).
- The potential use of previously adapted properties.
- To consider the council’s current approach in administering grants, in particular how current practices impact on those who could or do benefit from applying.
- To look at good practice elsewhere, especially those that provide cost effectiveness and good customer satisfaction.
- To determine possible ways in which processes can be improved.

There were six recommendations around accommodation options, procurement, costings and looking at ways to digitalise processes to improve time and become more customer friendly. These, together with a full report, were considered by the committee on 23 February, which referred it for approval to Executive Committee on 6 April 2016.

Scheme for public participation at planning committee review

Terms of reference: approved
23 February 2016

A working group comprising of seven members has been formed to review the Scheme of Public Participation at Planning Committee following the Council’s decision to introduce the scheme for a one year trial period which commenced in May 2015. The terms of reference outlined the following:

- To undertake an assessment of how the scheme had worked since its introduction at the Planning Committee meeting in June 2015.
- To inform Council as to whether the scheme should continue and, if so, whether any amendments need to be made.

The working group and terms of reference was approved at Overview and Scrutiny Committee on 23 February 2016. The outcome of the review will be reported to the committee on 12 April 2016. This will be referred to Planning Committee for consideration on 10 May 2016 and then Council on 17 May 2016.

Other general areas of review

Annual review of Communication Strategy 16 June 2015

Communication has a vital role to play in helping the council deliver its vision, priorities and objectives to local people. Given that that the council delivers a wide range of complex services to more than 80,000 residents, we face a significant challenge to communicate well. The strategy and action plan details how we go about facing that challenge.

“A member raised concerns about **telephone protocols for officers**. This has led to a set of customer services standards being created to ensure these issues are addressed.”

The strategy was approved at Executive Committee on 30 April 2014, where members agreed it would be reviewed on an annual basis to ensure the actions identified in the strategy are monitored effectively. A report was presented at Overview and Scrutiny Committee on 16 June 2015 and members noted the progress made.

Enviro-Crimes review (six monthly)

Following the recommendation of the committee on 10 June 2014, an update on the progress of the working group was carried out on 21 July 2015 and 19 January 2016. Reports were created by the environmental health and housing service group manager giving a high level overview of the enviro-crimes review recommendations e.g. awareness, prevention and educate.

On 19 January 2016, members noted the progress against the recommendations arising from the Enviro-Crimes Review and approved the closure of the review.

Flood risk management (quarterly report)

The Flood Risk Management Group (FRMG) oversees delivery of the council's flood risk management projects and contributes to the future development of flood risk management policies and report their work to the Overview and Scrutiny Committee.

Various works have been carried out during 2015-16 which include; Tewkesbury Borough Council owned watercourse maintenance works in various locations across the borough, grant applications schemes such as property level protection in

Kenulf Road Winchcombe and flood attenuation and alleviation measures in Tirley and is planned for Chaceley.

Health and well-being Strategy monitoring report (six monthly)

The development services group manager brought a report to Overview and Scrutiny Committee on 21 July 2015, setting out the progress made in the first two years against the actions within the Health and Wellbeing Strategy 2013-16. The final update scheduled for 19 January was deferred until 12 April 2016 on the basis that the strategy comes to an end in March 2016.

Performance management (quarterly report)

On a quarterly basis, the committee receives the Council Plan Performance Tracker, local performance indicator report and financial summary. This provides a wealth of information in relation to the overall progress of the Council Plan's actions. The review of this information naturally prompts a range of individual questions but some key outcomes are detailed below:

- A member raised concerns about telephone protocols for officers. This has led to a set of Customer Services Standards being created to ensure these issues are addressed.
- Complaints framework- to ensure complaints handling is effective, a new complaints framework is being established.
- Planning review- committee has continually challenged planning performance, leading to a review of planning, which has recently been completed.

Review of complaints (six monthly)

A report is brought to committee by the corporate services group manager providing an update on formal complaints that have been recorded and managed through the corporate feedback management procedures and the Local Government Ombudsman.

Reports were brought to the committee on 7 April 2015 and 20 October 2015 which summarised the following:

- Number of formal complaints and compliments received
- Number of upheld complaints
- The total of which were resolved within the timescales
- Number of Ombudsman complaints including if any had progressed beyond the initial investigation.

Review of UBICO (six monthly)

20 October 2015

Following a request of the Overview and Scrutiny Committee on 16 June 2015, a six monthly report was added to the Committee’s Work Programme. The first update was carried out on 20 October 2015, members were advised on performance, recycling figures, health and safety and the new reporting issues system- Achieve. A further update is scheduled to take place on 12 April 2016.

Gloucestershire Families First (six monthly)

The committee received two updates during 2015/16 on Gloucestershire Families First programme on 7 April 2015 and 20 October 2015. These updates were to consider the progress

made in delivering the Families First Programme.

On 20 October the council’s community development officer, the Families First Plus programme manager and Gloucestershire Families First Plus team manager delivered a presentation which outline the first following key points:

- Background information of Families First.
- Aim of the programme
- Progress made to date
- The roles of Families First Plus Team
- Expanding the programme

Housing, renewal and homelessness strategy review monitoring report (six monthly)

1 December 2015

The Housing, Renewal and Homelessness Strategy 2015-16 was developed by an Overview and Scrutiny Working Group and adopted in September 2012.

As requested by the Working Group a review of the activities against the strategy action plan was to be undertaken. On 1 December 2015 a report from the environmental and housing services group manager identified the key activities that had been achieved over the last 12 months.

Peer challenge action plan monitoring report (six monthly)

1 December 2015

Following the Peer Challenge in November 2014, facilitated by the Local Government Association, Overview and Scrutiny Committee members were asked to consider the progress made so far in delivering the recommendations set out within the

Peer Challenge Action Plan. This action plan was approved by Council on 19 February 2015.

A report was brought to Overview and Scrutiny on 1 December 2015 by the corporate services group manager, which confirmed all actions are progressing well. The majority of actions are being progressed through the ongoing work around the development of the new Council Plan, individual service reviews, project management, financial management, overview and scrutiny, and member development.

County updates

The committee receives regular updates from Gloucestershire Health and Care Overview and Scrutiny Committee, and the Gloucestershire Police and Crime Panel. These updates provide the committee with any issues arising and where the council can act as advocates for both community safety and for health and well-being.

For further details on both, Gloucestershire Health and Care Overview and Scrutiny Committee and Gloucestershire Police and Crime Panel see link below:

- Gloucestershire Health and Care Overview and scrutiny
<http://glostext.gloucestershire.gov.uk/mgCommitteeDetails.aspx?ID=669>
- Gloucestershire Police and Crime Panel-
<http://glostext.gloucestershire.gov.uk/mgCommitteeDetails.aspx?ID=650>

Training and development

Three training and development sessions were carried out during 2015/16 these were:

- Members scrutiny induction - 28 May 2015
- Performance tracker and performance indicators- how to read the reports and how it is linked with the Council Plan – 7 September 2015
- Overview and Scrutiny Introduction- 14 September 2015. A tutor from South West Councils, Ann Reeder, gave a presentation which included:
 - Background information on Overview and Scrutiny the origins, principles and powers.
 - Ways of working
 - Discussions and feedback session
 - Key tasks of Overview and Scrutiny such as; work programming, project scoping, budget scrutiny, evidence gathering, questioning and listening and decision tracking and follow ups.

Review of the effectiveness of the Overview and Scrutiny Committee 23 February 2016

It is good practice to ensure the Overview and Scrutiny Committee is adding as much value as possible. A workshop was held and members of the Overview and Scrutiny Committee had the opportunity to share their views and experiences of the current committee and to identify any areas where the committee could add more value.

The opinion of members was sought on a number of areas including;

- The committee’s work programme
- Review of performance management information
- Choosing areas for review

- Challenge role currently provided by the committee
- Its role as a ‘community’ committee
- Training and development

Summary of suggestions raised were:

- To receive presentations from Healthwatch Gloucestershire, the Fire and Rescue Service and social housing.
- Include more external parties to the task and finish groups when required.
- Trial a 30 minutes briefing before a committee.
- Invite an external judicator to give feedback on an Overview and Scrutiny Committee to assess if the committee is effectively scrutinising agenda items and if there are any areas to improve.

A full list of review recommendations can be found at Appendix C and these will be taken forward in 2016-17.

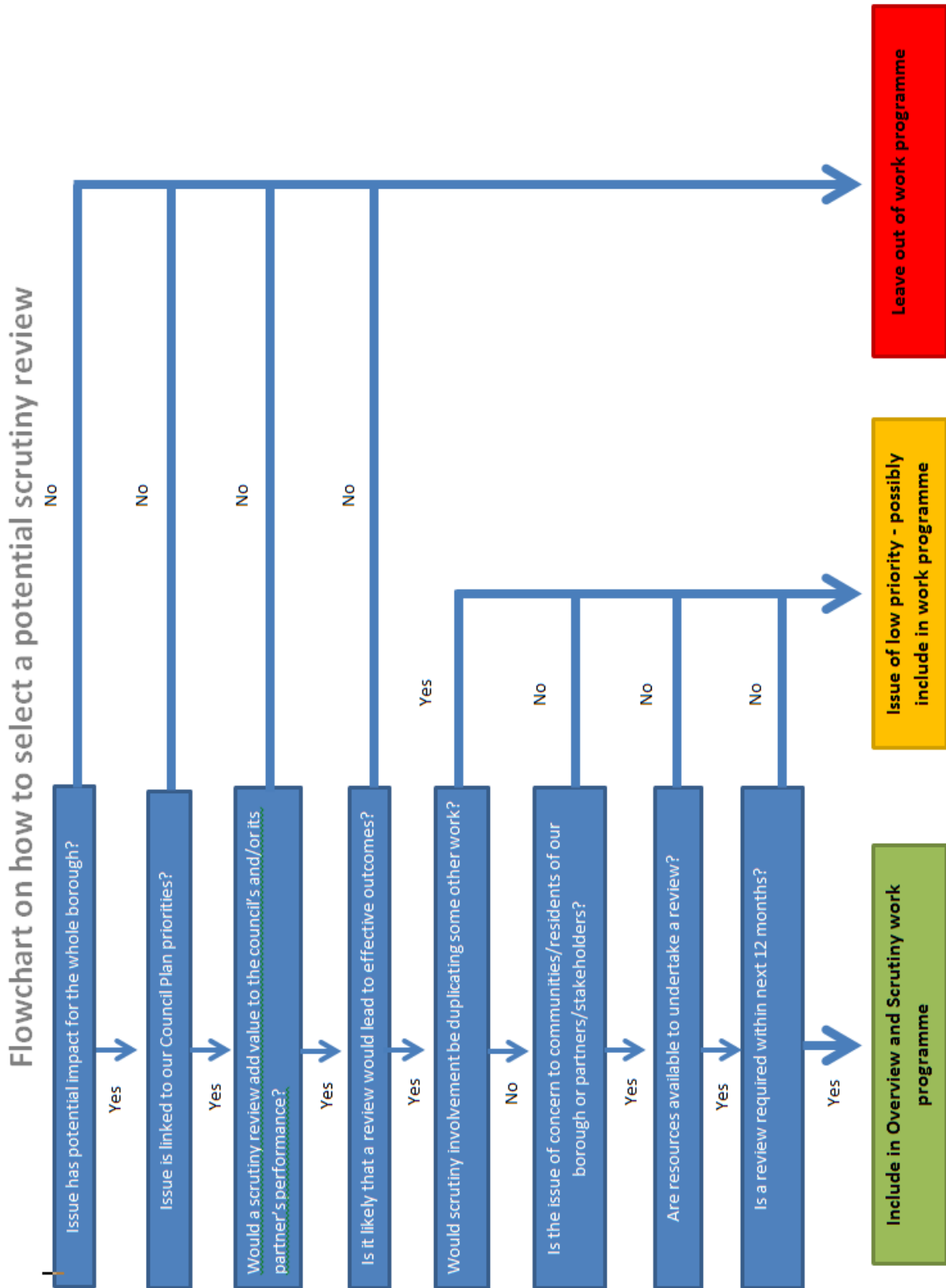
Looking forward to 2016/17

The committee has an indicative work programme for 2016-17. The programme as it stands is a combination of standing agenda items such as performance management and complaints information, six monthly policy and strategy updates, and new areas of review that have emerged. The programme is based upon what is known at this point in time but remains flexible, to allow changes to be made where appropriate. The 2016-17 work programme can be found in Appendix B.

Key areas of activity during the next financial year includes monitoring of the new council plan priorities, the continuation of the Scheme of Public Participation at Planning Committee review, and ensuring the remaining recommendations made from the November 2014 peer challenge are being delivered.

Members of the Overview and Scrutiny Committee 2015-2016

			
Chair Councillor Phil Awford Highnam with Haw Bridge	Vice Chair Councillor Gill Blackwell Hucclecote	Councillor Bob East Cleeve St Michael's	Councillor David Foyle Churchdown Brookfield
			
Councillor Graham Bocking Innsworth with Down Hatherley	Councillor Harry Turbyfield Brockworth	Councillor Heather McLain Ashchurch with Walton Cardiff	Councillor Janet Day Winchcombe
			
Councillor Kevin Cromwell Tewkesbury Priors Park	Councillor Mark Williams Coombe Hill	Councillor Mike Sztymiak Tewkesbury Town with Mitton	Councillor Pearl Stokes Churchdown St John's
			
Councillor Philip Surman Shurdington	Councillor Ruth Hatton Brockworth	Councillor Terence Spencer Twynning	



Committee Date: 14 June 2016				
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required	
Citizens' Advice Bureau Presentation.	To provide an update on CAB activity in the borough.	Andy Sanders, Economic and Community Development Manager	Yes – moved from February 2016 due to the size of the Agenda for the meeting.	
Performance Management – Quarter 4 and full year 2015/16.	To review and scrutinise the performance management information and, where appropriate, to require response or action from the Executive Committee	Graeme Simpson, Corporate Services Group Manager	No.	
Corporate Policies and Strategies.	For potential review by the Overview and Scrutiny Committee during 2016/17.	Graeme Simpson, Corporate Services Group Manager	No.	
Review of Communications Strategy 2014-16.	To consider – annual review.	Graeme Simpson, Corporate Services Group Manager	No.	
Health and Wellbeing Strategy Monitoring Report.	To consider – six month update.	Andy Sanders, Economic and Community Development Manager	Yes – originally deferred from 19 January on the basis that the current strategy came to an end in March 2016. Deferred from 12 April to allow more time for Officers to collate year-end figures.	
Housing, Renewal and Homelessness Strategy Review Monitoring Report	To consider - six month update.	Paula Baker, Housing Services Manager	No.	

Committee Date: 14 June 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Gloucestershire Health and Care Overview and Scrutiny Committee Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.

Committee Date: 19 July 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Planning Systems Thinking Review Presentation	To receive a presentation on the review of Planning.	Paul Skelton, Development Manager	No.
Peer Review Action Plan	To consider - six month update	Graeme Simpson, Corporate Services Group Manager	No.
Gloucestershire Police and Crime Panel Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.
Gloucestershire Health and Care Overview and Scrutiny Committee Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.

Committee Date: 6 September 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Report – Quarter 1 2016/17.	To review and scrutinise the performance management information and, where appropriate, to require response or action from the Executive Committee	Graeme Simpson, Corporate Services Group Manager	No.
Complaints Report	To consider – six month update.	Graeme Simpson, Corporate Services Group Manager	No.
Gloucestershire Health and Care Overview and Scrutiny Committee Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.

Committee Date: 18 October 2016					
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required		
Review of Ubico	To consider – six month update.	Richard Kirk, Interim Environmental and Housing Services Group Manager / David Steels, Environmental Health Manager	No.		
Update from Joint Waste Team	To receive an update from the Joint Waste Team on the business plan.	Richard Kirk, Interim Environmental and Housing Services Group Manager / David Steels, Environmental Health Manager	No.		
Gloucestershire Families First Update	To consider – six month update.	Adrian Goode, Community Development Officer	No.		
Scrutiny of the Community Safety Partnership	To consider - six month update.	Paula Baker, Housing Services Manager	No.		
Gloucestershire Police and Crime Panel Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.		

Committee Date: 29 November 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Report – Quarter 2 2016/17.	To review and scrutinise the performance management information and, where appropriate, to require response or action from the Executive Committee	Graeme Simpson, Corporate Services Group Manager	No.
Disabled Facilities Grants Review Monitoring Report	To consider – six month update.	David Steels, Environmental Health Manager	No.
Gloucestershire Health and Care Overview and Scrutiny Committee Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.
Gloucestershire Police and Crime Panel Update	To receive an update from the Council's representative on matters considered at the last meeting.	N/A	No.

Committee Date: 10 January 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Housing, Renewal and Homelessness Strategy Review Monitoring Report	To consider – six month update.	Paula Baker, Housing Services Manager	No.

Committee Date: 7 February 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Peer Review Action Plan	To consider - six month update	Graeme Simpson, Corporate Services Group Manager	No.
Review of the Effectiveness of the Overview and Scrutiny Committee.	To consider progress against the action plan.	Graeme Simpson, Corporate Services Group Manager	No.
Annual review of the effectiveness of the Council's involvement in the Gloucestershire Health, Community and Care Overview and Scrutiny Committee	In order to authorise payment of the Council's contribution to the running costs for the forthcoming year.	Graeme Simpson, Corporate Services Group Manager	No.

Committee Date: 21 March 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Report – Quarter 3 2016/17.	To review and scrutinise the performance management information and, where appropriate, to require response or action from the Executive Committee	Graeme Simpson, Corporate Services Group Manager	No.
Complaints Report	To consider - six monthly update.	Graeme Simpson, Corporate Services Group Manager	No.
Flood Risk Management Group Report	To receive an annual report on the progress against the Flood Risk Management Action Plan and to recommend to the Executive Committee that the Flood Risk Management Group Terms of Reference be adopted for the next 12 months.	David Steels, Environmental Health Manager	No.

Committee Date: 2 May 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Overview and Scrutiny Committee Work Programme 2017/18.	To approve the Overview and Scrutiny Committee Work Programme for the forthcoming year.	Graeme Simpson, Corporate Services Group Manager	No.
Annual Overview and Scrutiny Report 2016/17.	To approve the annual report as required by the Council's Constitution to ensure that the activities of the Overview and Scrutiny Committee are promoted both internally and publicly to reinforce transparency and accountability in the democratic process.	Graeme Simpson, Corporate Services Group Manager	No.
Review of Ubico	To consider – six month update.	Richard Kirk, Interim Environmental and Housing Services Group Manager / David Steels, Environmental Health Manager	No.
Gloucestershire Families First Update	To consider - six monthly update.	Adrian Goode, Community Development Officer	No.
Scrutiny of the Community Safety Partnership	To consider - six monthly update.	Paula Baker, Housing Services Manager	No.
Customer Care Strategy	To consider- annual update.	Clare Evans, Communications and Policy Manager	No.
Disabled Facilities Grants Review Monitoring Report	To consider - six monthly update.	David Steels, Environmental Health Manager	No.

PENDING ITEMS

Agenda Item	Overview of Agenda Item
Healthwatch Gloucestershire Presentation	Requested following the Gloucestershire Health and Care Overview and Scrutiny Committee Update on 20 October 2015.
Severn Vale Housing Presentation	Requested during the Review of the Effectiveness of Overview and Scrutiny Committee.
Gloucestershire Fire and Rescue Service Presentation	Requested during the Review of the Effectiveness of Overview and Scrutiny Committee.

Review of effectiveness of Overview and Scrutiny Committee
 February 2016

Key

- ✓ Suggestion can be implemented into existing working practice.
- X This was discussed but the committee did not feel this would add value.

Feedback received		Status
1. The committee's work programme		
a)	Members of the committee would like to see more challenge/review of presentations of external organisations and key partners. Specific organisations mentioned were Severn Vale Housing Society, Fire Service, Healthwatch Gloucestershire.	✓
b)	Very supportive of the updates given at committee on Police and Crime Panel and Health and Care Overview and Scrutiny Committee and this should continue.	✓
c)	The committee adds real value through their task and finish review groups and policy reviews. Two to three review groups per year can be accommodated.	✓
2. The committee's review of performance management information		
a)	Quarterly performance management information provided a good overview to members on how well the council is performing and should continue in its current format. Officers will look at further improvements to how it is presented in light of the new council plan.	✓
b)	Where appropriate, give consideration to lead members attending committee meetings where issues in their portfolio have arisen.	✓
c)	The financial position overview supporting the performance information was more detailed than previously reported. This current format was well received and should continue.	✓

Review of effectiveness of Overview and Scrutiny Committee
February 2016

Feedback received	Status
d) The potential of forming a performance management sub group that could scrutinise the performance information in more detail and feedback to the main committee was discussed. There was strong opinion regarding how this arrangement would work and it was felt the whole committee should receive the information and be able to challenge.	X
3. Choosing areas for review	
a) A neighbouring council includes within their annual report a form so that members of the public can put forward potential review subjects. Members felt this would not add value and could potentially lead to vexatious requests. Officers had contacted other councils on this and confirmed there had been limited success.	X
b) Members agreed they need to keep eyes and ears open to things that might be coming up and not necessarily rely on officers – horizon scanning.	✓
4. The challenge role currently provided by the committee	
a) The potential for lead members to attend overview and scrutiny and be challenged on their portfolio – see 2b) above.	✓
b) A pre-briefing, immediately before the main committee on key areas for challenge – it was acknowledged this should not become a committee type meeting in itself. Agreed to try as a pilot. An alternative may be to email members with key areas for consideration.	✓
c) The critique that generally, individual members need to be more challenging and that overall the committee, where relevant needs to show the attributes of a select committee. Members agreed for an independent person to watch and critique the workings of the committee.	✓
d) The potential of changing the dynamics of challenge in relation to performance management. Performance management information could first be presented at Executive Committee with the decisions and response from this committee then subject to scrutiny. Members strongly agreed that the current system works well.	X

Review of effectiveness of Overview and Scrutiny Committee
February 2016

Feedback received		Status
5. Its role as a 'community' committee		
a)	The potential to take the committee out into the community, for example, holding meetings within other parts of the borough was not strongly supported as this had been tried in the past but without great success.	X
b)	There was recognition though that this would work well with regard to certain working groups, where members of the public may have an interest.	✓
6. Training and development		
a)	All new members to the committee should receive an induction on the role of the committee – this is 'one-off' action and has been completed. Members commented on how comprehensive induction had been.	✓
b)	Training needs to be ongoing and not just at the induction stage.	✓
c)	A quarterly bulletin on local and national scrutiny topics has been produced and issued to all members – feedback on this is welcomed.	✓
d)	A link to the Centre for Public Scrutiny website has been sent to overview and scrutiny members so they can subscribe to alerts.	✓
e)	Look to learn from others, for example, how other councils undertake scrutiny – members would be supportive of this but only if adds value. A member suggestion to consult the facilitator who undertook the scrutiny training to advise on possible best practice councils was supported.	✓

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	6 April 2016
Subject:	Council Plan Year 1 (2016-20)
Report of:	Graeme Simpson, Corporate Services Group Manager
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Councillor R J E Vines
Number of Appendices:	Two

<p>Executive Summary:</p> <p>The Council Plan is a key strategic document which establishes an overarching vision for the Borough and sets out in broad terms the priorities, objectives and actions that the Council will focus upon to work towards the vision. The draft plan (2016-20) contains four priority themes supported by a number of key objectives and actions. As with the previous Council Plan (2012-16), actions will be subject to an annual refresh.</p>
<p>Recommendation:</p> <p>Subject to any amendments from the Executive Committee, the Council Plan is recommended to Council for adoption.</p>
<p>Reasons for Recommendation:</p> <p>The previous Council Plan (2012-16) has now ended and a new Plan is required.</p>

<p>Resource Implications:</p> <p>None arising directly from this report.</p>
<p>Legal Implications:</p> <p>None arising directly from this report.</p>
<p>Risk Management Implications:</p> <p>If the Council does not have an up to date Council Plan then it cannot demonstrate that priorities are being achieved.</p>
<p>Performance Management Follow-up:</p> <p>Delivery of the Council Plan actions are monitored through a Performance Tracker which is reported to Overview and Scrutiny Committee on a quarterly basis.</p>

Environmental Implications:

None arising directly from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council Plan is a key strategic document which establishes an overarching vision for the Borough and sets out in broad terms the priorities, objectives and actions that the Council will focus upon to work towards the vision. The Plan (2016-20) contains four priority themes supported by a number of key objectives and actions. As with the previous Council Plan (2012-16), where appropriate, actions will be subject to an annual refresh. The refresh ensures the Plan is a 'live' document. The Plan (Year 1) is attached in Appendix 1.

2.0 THE COUNCIL PLAN 2016-20 (Year 1)

2.1 As with the previous Council Plan it is proposed that the vision and values remain unchanged. The vision for the Borough is 'a place where a good quality of life is open to all'. The Plan also sets out the values which we will hold as we work to deliver the vision. We are a Council which puts customers first, is positive about working with others and which values its employees.

2.2 The Plan establishes four priorities on which action will be focused to deliver the Council's vision. In delivering the vision the Council will focus upon:

- Finances and resources.
- Economic development.
- Housing.
- Customer-focused services.

Each of the four priorities is supported by a series of key objectives and actions which will focus activity on delivery of the priorities. The majority of actions are linked to key strategies and actions are assigned to Lead Officers through the Council Plan Performance Tracker.

3.0 MEMBER FEEDBACK

3.1 The draft Council Plan was presented to Members at a session held on 9 March 2016. A summary of the feedback can be found in Appendix 2. Overall, Members were supportive of the priorities with only minor amendments being suggested to the supporting actions and general presentation of the Plan.

4.0 MONITORING PROGRESS

4.1 A Performance Tracker is in place to monitor delivery of the Council Plan actions and this is reported to Overview and Scrutiny Committee on a quarterly basis. Outcomes of the Overview and Scrutiny Committee review are then reported to Executive Committee. The Plan itself will be reviewed and, where appropriate, refreshed on an annual basis.

5.0 PROMOTING THE COUNCIL PLAN

5.1 The prime audience for the Council Plan are the Council's Members, staff and key partners. The updated Plan will be available on the Council's website, intranet and in hard copy format on request. Easy print and summary versions will also be available. The Plan will be published in the media and through the Borough News. Poster versions will also be available for use internally.

6.0 OTHER OPTIONS CONSIDERED

6.1 None.

7.0 CONSULTATION

7.1 Corporate Leadership Team, Group Managers and Operational Managers.
Member Workshop 9 March 2016.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Council Plan 2016-20.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 A wide range of government policies underpin actions within the priority themes.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 No direct resource implications.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 The Council Plan seeks to ensure economic, social and environmental sustainability.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 The Council Plan seeks to ensure value for money and equitable service provision.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Previous Council Plan approved at Council on 15 May 2012.

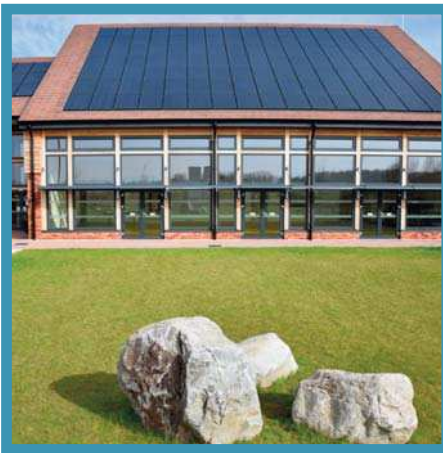
Background Papers: None.

Contact Officer: Graeme Simpson, Corporate Services Group Manager
Tel: 01684 272002 Email: graeme.simpson@teWKesbury.gov.uk

Appendices: 1 – Draft Council Plan 2016-2020.
2 – Comments from Member Workshop held on 9 March 2016.



Tewkesbury Borough



Council Plan 2016-20



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Foreword

We are pleased to introduce the Council Plan 2016 to 2020. This document is a statement of intent to drive forward our vision:

"Tewkesbury Borough, a place where a good quality of life is open to all."

To deliver this vision and provide focus we have established four priorities:

- Finances and resources
- Economic development
- Housing
- Customer-focused services

The next four years are set to be both exciting and challenging. For a relatively small council we have big ambitions. We continue to face unprecedented financial challenge, which means we are focusing closely on transforming the way we deliver our services and adopting a more commercial approach to income generation, so that we can continue to provide excellent value for money. Our council tax is one of the lowest in the country and has been for many years, so we are experts in doing more with less.

Our Council Plan recognises that there is more of a role for councils than just operational service delivery and the future for Tewkesbury Borough is around issues such as infrastructure, skills and housing delivery. We have a vital role to play in helping to shape our place. We pride ourselves in being agile and flexible and despite the financial challenges; we have maintained our essential role in stewarding our 'place'.

By remaining focused on our priorities we can ensure we use our resources effectively to improve the quality of life for our communities. We work extremely well with others and have taken radical steps to bring together our public sector partners to share our building and our vision for our communities. The focus and commitment of the council's staff, councillors and partners will enable us to overcome the challenges ahead and make our vision and priorities a reality.

We are transforming our business to meet the challenges we face and in everything we do and in the decisions we make, we will be a council that is 'better for customers, better for business'.

This plan builds upon the success of our previous plan. You will see that we have already made a number of achievements under each of our previous priority themes, and these can be found on pages 11-13.



Councillor Robert Vines
Leader of the Council and
Councillor Dave Waters
Deputy Leader of the Council

Tewkesbury Borough

Our borough is predominantly rural and located in the north of the county extending southwards beyond Gloucester and Cheltenham. The eastern part of the borough lies within the Cotswold AONB. Our population is roughly 85,800 made up of 39,064 households spread across 160 square miles. It has an excellent location at the heart of the M5 corridor.



Despite its apparent rural character, the borough includes a wide range of economic activity ranging from large multinationals to micro businesses. The borough is an established centre for high quality manufacturing and home to some world class high tech aero engineering firms. The diverse and contrasting range of settlements provides a high quality environment in which to live and this, combined with its excellent strategic location, makes it an ideal area for economic and business growth.



A snapshot of Tewkesbury Borough

- The borough has a population of around 85,800, with Office for National Statistics (ONS) projections of 93,400 by 2025 and 100,400 by 2037.
- Projections suggest the number of people aged 65 and above will increase to 500 (from 420 per year) per year between 2012 and 2037.
- The proportion of Black and Minority Ethnic (BME) population rose from 1.4% to 2.5% between 2001 and 2011 (lower than the county and national %). 'White Other' population has more than doubled between 2001 and 2011, from 940 to 2,410.
- There are around 3,900 VAT registered businesses accounting for around 14% of the county total and growth over the last five years has been the highest in Gloucestershire. The diverse economy supported some 42,000 employees in 2014.
- The borough has a highly skilled workforce that reflects the nature and demand of a high tech manufacturing and service base, which is projected to grow.
- The manufacturing sector accounted for the largest proportion of total employment in Gloucestershire, which was 23% in 2014.
- The current employment rate of 16-64 year olds is 83.7%, higher than the county rate of 79.2% and the national rate of 72.7%.
- Claimant unemployment is 0.9% which is below the county average of 1.0% and the national rate of 1.8%.
- Life expectancy is slightly higher than the county average, and significantly higher than the national average.
- 16.5% of residents (13,523) reported having a long term health problem or disability, broadly in line with the county average and below the regional and national average.
- Two thirds of the borough are ranked within the 40% least deprived areas in England, accounting for 65% of the population. The borough has small pockets of deprivation ranked in the top 20% deprived areas nationally.
- The borough experiences crime rates much lower to the overall rates for England and Wales, south west region and Gloucestershire county.



Our vision and values 2016-20

Our vision is to make:

"Tewkesbury Borough, a place where a good quality of life is open to all."

Our values

Everything we do is aimed at delivering our vision but the way we deliver services is equally important to us. We have therefore adopted a set of values which we apply across all of our activities. We are a council which:

✓ Puts customers first

We will put the needs of our customers at the heart of what we do and listen to what they say, treating people fairly and without bias.

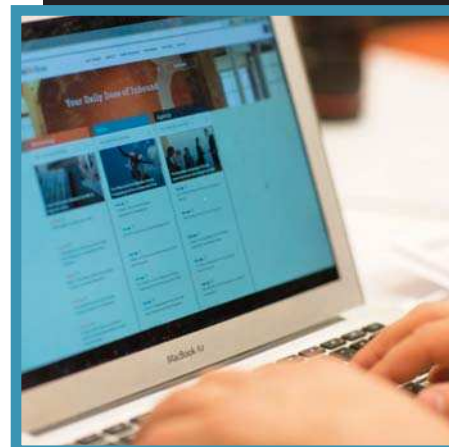
✓ Is positive about working with others

We recognise we cannot achieve our vision by working alone. We will continue to develop productive working relationships with other organisations and our communities, including the voluntary sector, town and parish councils and neighbourhood groups to achieve common goals.

✓ Values our employees

We will support, praise and invest in our workforce to develop our organisation.

Supporting our values we also have an ethos that whatever we do will be 'Better for customers, better for business'.



Our priorities and objectives 2016-20

● Finances and resources

- Start on the path to being financially independent of the government's core grants.
- Maintain a low council tax.
- Investigate and take appropriate commercial opportunities.
- Use our assets to provide maximum financial return.

● Economic development

- Be the primary growth engine of Gloucestershire's economy.
- Identify and deliver employment land within the borough, in accordance with the Joint Core Strategy (JCS) and Tewkesbury Borough Plan.
- Maximise the growth potential of the M5 junctions within the borough.
- Deliver regeneration for Tewkesbury town.

● Housing

- Increase the supply of suitable housing across the borough to support growth and meet the needs of our communities.
- Achieve a five year supply of land.
- Deliver the homes and necessary infrastructure to create new sustainable communities in key locations.
- Deliver affordable homes to meet local need.

● Customer-focused services

- Maintain and improve our culture of continuous service improvement.
- Develop our customer service ethos to ensure that we deliver to the needs of residents.
- Further expansion of the Public Services Centre (bring in other partners).
- Improve and expand our partnerships both public and private sector and explore opportunities to do this.
- To improve customer access to our services and service delivery through digital methods.



Why this is a priority

The council has to manage with less money at the same time as seeing costs rise and demand on some services increase. It is therefore important we deliver services which maximise value for money, sustainability and efficiencies. The challenge is to simultaneously transform our services while growing our way out of austerity. Our risk appetite therefore needs to be less risk adverse and include the opportunity to look at and invest in commercial activities.

To deliver this priority our objectives and actions are:

- **Start on the path to being financially independent of the government's core grants.**
 - a) Deliver the council's transformation programme.
 - b) Implement a Fees and Charges Strategy to maximise return in the medium term.
- **Maintain a low council tax.**
 - a) Produce a medium term strategy which ensures that council tax remains in the lowest quartile nationally.
- **Investigate and take appropriate commercial opportunities.**
 - a) Develop a programme of commercial projects, including developing an entrepreneurial-type culture for councillors and staff.
 - b) Produce a business case alongside partner authorities for the formation of a housing development company.
 - c) Undertake a review of the discretionary trade waste service to ensure it is operating on a viable commercial level.
- **Use our assets to provide maximum financial return.**
 - a) Ensure value-for-money procurement of a new waste and recycling fleet.
 - b) Deliver the council's asset plan.



Why this is a priority

Local government has historically been seen as a service delivery organisation but the future of the borough is about factors like infrastructure, skills and housing. We therefore need to be more of a place shaper. The borough is well placed to secure economic growth and we want our local economy to thrive and prosper and provide jobs that people want. Attracting new investment and retaining and strengthening existing business is key to ensuring the future prosperity of the borough.

To deliver this priority our objectives and actions are:

- **Be the primary growth engine of Gloucestershire's economy.**
 - a) Carry out an economic assessment within the borough.
 - b) Produce, deliver and launch a new Economic Development and Tourism Strategy.

- **Identify and deliver employment land within the borough**
 - a) Produce an employment land review of sites within the borough.
 - b) Allocate and deliver employment land through the JCS and Tewkesbury Borough Plan.

- **Maximise the growth potential of the M5 junctions within the borough.**
 - a) Produce a vision for the J9 area.
 - b) Work with our partners, including the JCS partners and the LEP, to promote the M5 Growth Zone.
 - c) Work with partners to build a case for an all-ways M5 junction 10.

- **Deliver regeneration for Tewkesbury town.**
 - a) Put in place a plan to regenerate Spring Gardens, following the opening of the new leisure centre.
 - b) Work with Tewkesbury Regeneration Partnership to progress projects that regenerate Tewkesbury Town.



Why this is a priority

We recognise how important it is for residents to be able to access good quality housing and housing related services that make a real difference to their lives. Not only is housing important for the health and well-being of residents it is also an important part of building and maintaining strong communities and supporting the economic prosperity of the borough.

To deliver this priority our objectives and actions are:

- **Increase the supply of suitable housing across the borough to support growth and meet the needs of our communities.**
 - a) Continue working with our partner councils to ensure the Joint Core Strategy is adopted.
 - b) Develop the Tewkesbury Borough Plan.
 - c) Support Neighbourhood Development Plans across the borough where communities bring them forward.
 - d) Utilise new tools available under the Housing and Planning Bill.

- **Achieve a five year supply of land.**
 - a) Ensure adequate land is allocated within the Joint Core Strategy and Tewkesbury Borough Plan to meet housing need.
 - b) Continue to promote sustainable development throughout the borough.

- **Deliver the homes and necessary infrastructure to create new sustainable communities in key locations.**
 - a) Monitor annually the delivery of homes within the borough.
 - b) Work with partners, infrastructure providers and developers to progress the delivery of key sites.

- **Deliver affordable homes to meet local need.**
 - a) Develop a new Housing and Homelessness Strategy for 2016-2020.
 - b) Deliver 150 affordable homes each year.
 - c) Work in partnership to prevent residents becoming homeless



Why this is a priority

One of our core values is that we will put the needs of our customers at the heart of what we do and listen to what they say. We want to provide the best possible service to all of our customers, particularly in terms of resolving queries at the first point of contact. Digital technology is changing our customers' expectations and we want them to be able to access our services when and where they need it, and we want to join up with our partners to make access to our services easier.

To deliver this priority our objectives and actions are:

- **Maintain and improve our culture of continuous service improvement.**
 - a) Deliver phase two of the planning and environmental health service reviews.
 - b) Consider our approach to enviro-crimes, with a particular focus on fly-tipping and dog fouling.
- **Develop our customer service ethos to ensure that we deliver to the needs of residents.**
 - a) Adopt and promote customer care standards to further improve the quality of service our residents receive.
 - b) Roll out a programme of customer services training for staff across the council.
- **Further expansion of the Public Services Centre (bring in other partners).**
 - a) Work with partners to investigate the potential for a reception refurbishment and integrated customer services team.
 - b) To let out the top floor of the Public Services Centre.
- **Improve and expand our partnerships both public and private sector and explore opportunities to do this.**
 - a) Continued delivery of the proposed One Legal expansion.
 - b) With partners, develop and implement a programme for financial inclusion.
 - c) Work with partners to improve digital links between public services to make life simpler for customers.
- **To improve customer access to our services and service delivery through digital methods.**
 - a) Develop and deliver a Digital Strategy.
 - b) Develop and roll out a new website to reflect our commitment to excellent online services.



Keeping our performance on track

Good performance management is when an organisation knows it is doing the right things well. To monitor how well we are performing, our performance management framework includes a council plan performance tracker. The tracker monitors the progress in delivering the actions which support each priority theme. Progress is reported on a quarterly basis to our Overview and Scrutiny Committee. Supporting the tracker is a set of key performance indicators and a financial summary analysis. The findings from the Overview and Scrutiny Committee review are personally reported by the chair of committee to the council's Executive Committee.

We also have an excellent track record in relation to the low number of complaints we receive. Positive reports continue to be received from the Local Government Ombudsman with no complaints upheld against the council and formal complaints received to do with our services remain low in number. A six monthly complaints report of the number of complaints received, trends etc are reported to Overview and Scrutiny Committee.

As reported through our previous Council Plan we were really buoyed by the feedback received following our corporate peer challenge in November 2014. Facilitated by the Local Government Association, the peer review team concluded we should have much to be proud of and referred to the council 'punching above its weight' at a local, regional and national level. We have not remained complacent and have a formally approved action plan which will ensure further improvements. This is also monitored by Overview and Scrutiny Committee on a six monthly basis.

We look forward to reporting our success factors over the span of the Council Plan (2016-2020) which builds upon the success of our previous plan.

Should you require any further information about the Council Plan, please contact:

Graeme Simpson, Group Manager, Corporate Services
phone: 01684 272002 email: graeme.simpson@teWKesbury.gov.uk



Our achievements 2012-2016

These include;



Use resources effectively

- During the life span of the previous plan we froze council tax - (Band D council tax of £99.36, lowest in county, fifth lowest in England).
- Through rationalisation of our office accommodation we now benefit from an income stream in the order of £160,000 per annum.
- A £1.2m office refurbishment was completed in September 2014, providing a sustainable and fit for purpose Public Services Centre building.
- Through new processes, our Revenues and Benefits team has saved approximately £120,000 and processing times for new benefit claims are now in the top quartile nationally.
- Effective from August 2013, an organisational review was undertaken which created savings in excess of £500,000.
- A very successful corporate peer challenge undertaken by the Local Government Association in November 2014 concluded the council 'punches above its weight' locally, regionally and nationally.



Promote economic development

- We have a massive growth agenda. We secured significant funding to support this. For example, in partnership with Gloucestershire County Council, we were awarded £1.36m capacity funding to deliver some of our most important development sites.
- We have worked with partners to support nearly 900 businesses through start-ups, training and mentoring initiatives, seminars, networking events and enterprise clubs. We have also provided a £50,000 business support grant for each year of the previous Council Plan.
- We secured a flood grant of £475,000 from the Department for Business, Innovation and skills (BIS) to support resilience.
- Working in partnership with the Forest of Dean District Council we have made a successful bid to LEADER European Rural Development Programme totalling £1.4 million.
- In 2013/14, we were winners of the Cotswold Tourism Gold Award for our Vintage and Modern Campaign.
- The proposed Joint Core Strategy supports new jobs up to 2031 and employment land.



Our achievements 2012-2016

✓ **Improve recycling and care for the environment**

- We launched a self-service portal for our garden waste renewal scheme. Nearly, 15,000 customers subscribe to the service.
- Flood Support Grant Scheme and Repair and Renewal Grant Scheme- following the 2014 floods we secured grant funding to support affected business and domestic premises. Over £500,000 grants were awarded.
- The council is now formally a member of the Gloucestershire Joint Waste Committee. Also, effective from 1 April 2015, the council joined Ubico. (Ubico is a local authority owned company specialising in environmental services to the public sector)
- We refreshed the Volunteer Litter Picking Scheme which has over 150 committed volunteers. We have held a series of re-induction events, an annual thank you event, issue a six monthly newsletter and have issued new equipment.
- We have helped sustain a healthy recycling rate of 52%, which is in the top quartile nationally.
- The Flood Risk Action Plan is almost complete with over £500,000 spent on the plan.
- In early 2016 we completed the waste services review and have now started the process of procuring a new vehicle fleet.



✓ **Provide customer focussed community support**

- Developing our Public Services Centre - Job Centre Plus joined us in April 2014 the first such arrangement in the country. Severn Vale Housing, Gloucestershire Fire Brigade and Gloucestershire Rural Community Council also joined during the course of 2014.
- Our new £7.5 million leisure centre will open on 30 May 2016.
- We met our Families First three year target (to engage with 90 families by March 2015) in early 2014. Over 60 families have been 'turned around'.
- We have adopted a 'Place' approach to working with our communities, with the borough split into three areas.
- We provide support to neighbourhood planning of which there are now 11 designated neighbourhood areas across 15 parishes.
- We agreed on-going support to the Citizens Advice Bureau of £50,000 which assisted over 1,400 residents per year, providing advice on issues such as benefits, debt, employment, housing and relationships.
- We have introduced a new post of community funding officer - a great opportunity to help signpost community groups to external funding sources.
- We are undertaking a review of our complaints framework with a new system to be implemented in April 2016.



Our achievements 2012-2016



Develop housing relevant to local needs

- We submitted our Joint Core Strategy (JCS) to the Secretary of State in November 2014 – a significant achievement given the complexities in developing the strategy. The strategy is currently under examination by the Planning Inspectorate.
- The JCS is supported with the development of a Tewkesbury Borough Plan.
- Our Disabled Facility Grant Scheme supports over 100 grants per year, exceeding £600,000 per year.
- With other Gloucestershire districts we were successful in obtaining £3.2 million grant funding for The Warm and Well Central Heating Fund.
- In 2015/2016 we estimate to deliver 205 new affordable homes, the largest number delivered since 2007/08. We have exceeded our affordable homes target – the target is an average of 100 homes over a three year period. 130 were delivered in 2012/13, 155 in 2013/14 and 145 in 2014/15.



Photo index

front cover	Stoke Orchard Community Centre View over borough from Devil's Chimney Brockworth
contents page	View over borough from Cleeve Hill
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page 13	Millennium affordable housing, Tewkesbury

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Feedback resulting from Member presentation held on 9 March 2016

Economic Development

A Member sought clarity on how the Council is committed to this when a significant planning application relating to J9 was recommended for refusal.

Customer Focused Services

A Member referred to the action relating to the Council's approach to enviro-crimes and this should include specific reference to dog fouling. The approach to enviro-crimes generally, may need further review to ensure it is effective. The potential of employing some type of warden, funded by Town & Parish Councils and which has been discussed previously should be developed further and brought back to Members for consideration.

Housing

The action relating to living in safe and affordable homes was raised by one Member to clarify that 'safe' should also be interpreted as safe environment and not just the safety of the home.

One Member felt the actions to deliver this were repetitive and lacked targets. As Lead Member for that Portfolio it was agreed these would be looked at further. A meeting was subsequently held with the Lead Member and the Plan amended to be more inclusive of the activities which fall within that Portfolio.

Clean and Green

One Member would like to see this as a priority theme supported with reference to climate change.

Finance and Economic Development

A Member asserted these are key priorities because of the financial challenges facing the Council but also because of the potential growth opportunities. As a result a commercial outlook is required.

Approach to Council Plan

One Member commented that, although she welcomed this session, a workshop type session should have taken place prior to this to help shape the Plan. The same Member commented on how business and financial driven the Plan was compared to the previous Plan.

General Presentation of the Plan

It was explained at the beginning of the presentation that the Plan was only draft and some of the photographs would be updated. One Member made specific reference to there being no photographs of Bishop's Cleeve and photographs need to reflect equality and diversity. Reference was also made to ensuring the Plan was style guided and dependent upon who the audience was, would they understand terminology such as 'transformation programme' and 'primary growth'.

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 April 2016
Subject:	Review of Protocol for Member/Officer Relations
Report of:	Sara Freckleton, Monitoring Officer
Corporate Lead:	Sara Freckleton, Monitoring Officer
Number of Appendices:	One.

Executive Summary:

At its meeting on 12 October 2015 the Standards Committee considered a report which detailed a proposed Work Programme for the Committee for 2015/16. It was agreed that the Committee would review the Member/Officer Relations Protocol. In order to complete this task it was decided that the whole Committee should meet as a Working Group and seek the views of Members and senior Officers on the effectiveness of the Protocol and what, if any, changes would improve it.

At its meeting on 21 March 2016 the Standards Committee considered the amended Protocol for Member/Officer Relations, attached at Appendix 1, and recommended it to the Council for approval.

Recommendation:

That the revised Protocol for Member/Officer Relations, as attached at Appendix 1 to the report, be APPROVED.

Reasons for Recommendation:

To ensure that the Protocol for Member/Officer Relations is relevant and to assist the Standards Committee in meeting its aim of ensuring high standards of ethics and probity.

Resource Implications:

None.

Legal Implications:

None specifically in relation to this report.

Risk Management Implications:

None in relation to this report.

Performance Management Follow-up:

Any further amendments required will be made to the Protocol.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 At its meeting on 12 October 2015 the Standards Committee considered a report which detailed a proposed Work Programme for the Committee for 2015/16. It was agreed that the Committee would commence a review of the Member/Officer Relations Protocol and, in the first instance, it was suggested that the whole Committee meet as a Working Group and speak to Members and senior Officers to ascertain their views on the effectiveness of the Protocol and what, if any, changes would improve it. Following that process the Standards Committee would need to recommend a revised Protocol to the Council for approval.

2.0 PROCESS FOR THE REVIEW OF THE PROTOCOL FOR MEMBER/OFFICER RELATIONS

2.1 The whole Committee met as a Working Group on two occasions to undertake the review of the Protocol for Member/Officer Relations. The first meeting, held in November 2015, gained the views of the following Members and senior Officers:

Vice-Chair of Licensing Committee.

Chair of Planning Committee.

Chair of Licensing Committee.

Vice-Chair of Planning Committee.

Chief Executive.

Deputy Chief Executive.

Deputy Leader of Council.

Leader of Council.

Corporate Services Group Manager.

Development Manager.

Finance and Asset Management Group Manager.

Lead Member for Organisational Development.

Leader of the Liberal Democrat Group.

2.2 Following that meeting the points raised were considered and consequently the Working Group made a number of amendments as considered appropriate. The amended document was then sent to all Members, the Corporate Leadership Team and Group Managers and was placed on the Council's intranet for all staff to comment on should they so wish. That consultation period ended on 26 February 2016 and resulted in comments of support for the Protocol as drafted and a small number of suggested amendments.

2.3 At its meeting on 21 March 2016, the Standards Committee considered the suggestions made through the consultation process and made some further minor refinements to the Protocol. The document at Appendix 1 includes all amendments and refinements approved by the Standards Committee and is now recommended to Council for approval.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Consultation was undertaken with all Members and Officers during the review of the Protocol.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Standards Committee on 12 October 2015 and 21 March 2016.

Background Papers: None.

Contact Officer: Sara Freckleton, Monitoring Officer Tel: 01684 272011.
Email: sara.freckleton@teWKesbury.gov.uk

Appendices: 1. Revised Protocol for Member/Officer Relations.

TEWKESBURY BOROUGH COUNCIL

PROTOCOL FOR MEMBER / OFFICER RELATIONS

ADOPTED BY COUNCIL 2016

2016

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1. PURPOSE AND STATUS

- 1.1 It is vital to the reputation of the Council as a whole that the Codes of Conduct for Councillors and for Officers are not only followed but are seen to be followed. The partnership between Members and Officers is demonstrably based on mutual respect and all should aspire to the highest standards of ethical behaviour. Compliance with the Council's Protocol for Member/Officer Relations is critical to meeting this aspiration.
- 1.2 The Protocol for Member/Officer Relations, whilst not legally prescriptive, will be relevant in judging compliance with the Codes of Conduct. Compliance with the Protocol will ensure that all Members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.
- 1.3 This Protocol does not seek to be either prescriptive or comprehensive but offers guidance on some of the situations which most commonly arise. It is expected that the approach that it adopts to these issues can be adapted to any situation.

2. THE MEMBER/OFFICER RELATIONSHIP

GENERAL PRINCIPLES

- 2.1 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and they serve only as long as their term of office lasts. Officers are responsible to the Council. Their role is to give advice to the Councillors and the Council and to carry out the Council's work under the direction and control of the Council and its Committees/Working Groups.
- 2.2 The duties and responsibilities of Members and Officers are different, albeit complementary; however both are bound by the same framework of statutory powers and duties. Furthermore, it is fundamental to the efficient and effective operation of the Council that each understands the limits of their respective roles and that neither asks the other to step beyond those limits.
- 2.3 All Members and Officers have certain basic responsibilities and obligations. There are, however, some Members and Officers who, either because of statute, tradition or decisions of the Council, have extended roles and additional responsibilities. Some Members hold positions of responsibility such as the Leader and Deputy Leader of the Council, the Mayor (Chair of Council), Chairs and Vice-Chairs of Committees/Working Groups, Lead Members and Political Group Leaders. The Statutory Officers are the Head of Paid Service, the Finance Officer and the Monitoring Officer whose roles are defined by statute and within the Council's Constitution.
- 2.4 Members and Officers will:
- a. deal with one another without discrimination;
 - b. observe normal standards of courtesy in their dealings with one another;
 - c. not take unfair advantage of their position;
 - d. promote a culture of mutual respect;
 - e. communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings;
 - f. work together to convert core values and priorities into practical policies for implementation for the benefit of the community;
 - g. observe the 'Advice for Council Members and Officers During the Pre-Election Period'; and
 - h. refer any observed instances of inappropriate behaviour as necessary (2.23 and 2.24).
- 2.5 Members must not be personally abusive to, or derogatory of, Officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Members should not raise matters relating to alleged misconduct or incapability of an Officer at meetings of the Council, Committee or any other public forum. If a Member feels that he/she has not been treated properly by, or has a concern or complaint about, the conduct or capability of any Officer he/she should raise those concerns in accordance with the provision in Paragraph 2.25 below.

- 2.6 Whilst normal, friendly working relationships between Members and Officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual Councillors and Officers can harm this relationship, can prove embarrassing to other Councillors and Officers and can damage the public perception of the integrity and objectivity of the organisation, and should be avoided.

MUTUAL RESPECT

- 2.7 Mutual respect and trust between Members and Officers of the Council is essential to good local government and will generate an efficient and unified working organisation. It is important that there are close working relationships between senior Officers and senior Councillors. However, such relationships should never be allowed to become so close, or appear to be close, so that the ability of an Officer to deal impartially with other Members or Political Groups is questioned.

ROLE OF MEMBERS

- 2.8 Members have a complex role, requiring them to act simultaneously in the following capacities:-

- 2.8.1 As Council/Committee Members – in this capacity Members will provide leadership and will take personal, individual and collective responsibility for the authority's decisions and activities. Members have responsibility for the performance, development, continuity and overall wellbeing of the organisation.
- 2.8.2 As Representatives – in this capacity Members interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance.
- 2.8.3 As Politicians – in this capacity Members may belong to a Political Group represented on the Council and, if so, may express political values and support the policies of the Group to which they belong.

- 2.9 Officers can expect Members to:-

- Provide leadership.
- Take corporate responsibility for policies and other decisions made by the Council.
- Prepare for formal meetings by considering all written material provided in advance of the meeting.
- Leave day to day managerial and operational issues to Officers.
- Adopt a reasonable approach to awaiting Officers' timely responses to calls/correspondence (2.12.6) and not to undertake a proliferation of calls/correspondence designed to elicit an urgent response to a matter which is not of an urgent nature. Members are not entitled to demand urgent responses to correspondence/calls unless the subject matter is deemed by the Officer to be urgent. Any dispute as to urgency should be referred to the Officer's Manager.

- 2.10 It is permissible and sensible for Members to seek straightforward factual information from Officers, and to enquire as to technical or professional matters of appropriately qualified Officers whose duties include advising Members. However, anything contentious, or any matter requiring a complex opinion, a value, or a judgement, should be directed to the Chief Officer or head of the relevant service. Member Services are happy to signpost Members to the correct area as necessary to ensure that queries are resolved.
- 2.11 Members must, when serving on the Council's Planning and Licensing Committees, observe the Protocol for Councillors and Officers involved in the Planning Process and The Licensing System, Protocol and Procedures respectively.

ROLE OF OFFICERS

- 2.12 Officers of the Council have, in broad terms, the following main roles:
- 2.12.1 To manage the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities.
- 2.12.2 To be professional advisors to the Council, its political structures and Members in respect of their service and, as such, their professionalism should be respected.
- 2.12.3 To initiate policy proposals as well as implementing the agreed policies of the Council.
- 2.12.4 To ensure that the Council always acts in a lawful manner.
- 2.12.5 To advise Members on issues and business of the Council.
- 2.12.6 Members can expect Officers to:
- maintain due confidentiality;
 - perform their duties to the best of their ability;
 - behave in a professional manner;
 - be helpful and respectful to Members; and
 - respond in a timely manner to telephone calls, email correspondence etc.
- 2.13 Officers are accountable to their Chief Officer or head of their service and whilst Officers should always seek to assist any Member, they should not go beyond the limit of the authority given to them by their Manager.
- 2.14 In their dealings with the public, Officers should be courteous at all times and act with efficiency and timeliness.
- 2.15 In advising Members of the Council, Officers should be able to give honest and impartial advice without fear or favour from Members. It follows that they must serve all Members, not just those of any majority Political Group, and must ensure that the individual rights of all Members are respected. The support provided by Officers can take many forms, ranging from briefing an individual Member on a particular issue to, on occasions, a presentation to the Council.

- 2.16 An Officer should respect a Member's request for confidentiality when dealing with any legitimately delicate matter. Any written reply to a Member where confidentiality is requested in such circumstances should not be copied to any other Member without the original Member's permission, or in order to comply with an unavoidable legal or professional obligation.

Officers' Attendance at Political Group Meetings

- 2.17 In order to ensure that their political neutrality is not compromised Officers must not, in their capacity as Council employees, attend meetings of Political Groups unless the occasion has been specifically authorised by the Chief Executive. Any request for Officer support should therefore be made to the Chief Executive in advance of any meeting. Such support should be available to all Political Groups. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Political Group business. Officers must not be invited to be present at meetings, or parts of meetings, when matters of Political Group business are to be discussed. Where a Political Group shares alternative proposals for advice, e.g. the budget, the Officer should treat this as confidential.
- 2.18 Where Officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee/Working Group or the Council when the matter in question is considered.

OFFICER RELATIONSHIPS WITH CHAIRS/VICE CHAIRS, POLITICAL GROUP LEADERS AND LEAD AND SUPPORT MEMBERS

- 2.19 Chairs of the Council/Committees/Working Groups (and Vice-Chairs in their absence) must:
- 2.19.1 chair meetings impartially;
 - 2.19.2 give all Members of the Council/Committee/Working Group equal right to speak;
 - 2.19.3 manage Council/Committee/Working Group meetings to ensure that the business of the Council/Committee/Working Group is transacted efficiently but fairly; and
 - 2.19.4 ensure that Officers are given every opportunity to provide their professional judgement/advice to the Council/Committee/Working Group.
- 2.20 A Committee/Working Group Chair should routinely be consulted during the process of preparing an Agenda for a forthcoming meeting. Chairs must recognise that, in some situations, an Officer is under a duty to submit a report on a particular matter and no influence should be exerted on any Officer to exclude an item from an Agenda.
- 2.21 Prior to Committee Meetings (except Planning and Licensing Committees where their own Protocols apply), the appropriate Officers will meet informally with the Chair and Vice-Chair (Chair's Briefing) to discuss matters on the Agenda, to deal with matters which will ensure the smooth running of the meeting and to enable specific issues to be highlighted for which Officers and Members may need to prepare prior to the meeting.

- 2.22 Political Group Leaders (Deputy Political Group Leaders) should promote a positive atmosphere of trust, respect and understanding between Members and Officers. Political Group Leaders (Deputy Political Group Leaders) must be prepared to tackle, deal with and resolve any reported incidents of breaches of this Protocol by their Political Group Members. In the event of a complaint being made to them under Paragraph 2.26 of this Protocol, a Political Group Leader (Deputy Political Group Leader) will seek to actively pursue the complaint and achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.
- 2.23 Officers must exercise care when dealing with Chairs, Vice-Chairs and Political Group Leaders to ensure that they are not provided with information that the Officer is not prepared to make freely available to other Members of the Council or Committee/Working Group.
- 2.24 Officers shall provide Lead Members, and Support Members, with the information necessary to enable them to effectively undertake their role as a Council spokesperson and ambassador for their strategic theme area. The overriding position is that, whilst Members and Officers work closely together, this relationship should never become, or appear to become, so close that the ability of an Officer to deal impartially with other Members is questioned.

MEMBER/OFFICER COMPLAINTS

- 2.25 If a Member wishes to complain about the actions or failings of any employee of the Council, the Member should lodge his or her complaint, preferably in writing, with the Chief Officer concerned. If a complaint is against the Chief Officer, the complaint must be lodged in writing with the Chief Executive. If the complaint is against the Chief Executive personally, it must be lodged in writing with the Council's Monitoring Officer. The Officer to whom the complaint is made will take appropriate action to resolve it and will notify the Member of the Council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
- 2.26 Should an Officer have cause to complain about the actions or failings of any Member of the Council, the Officer should draw his/her concern to the attention of a Senior Officer in his/her Directorate who will consider the matter and, acting through the appropriate Chief Officer, will seek to resolve the issue with the Member concerned or, if this is not possible, the Member's Political Group Leader. If the complaint is against a Political Group Leader then it should be drawn to the attention of the Deputy Group Leader or to the Group generally. The Member (or group of Members) to whom the complaint has been made, will deal with it and will notify the Officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

BEHAVIOUR

- 2.27 Words or actions which are intended unfairly to influence an individual Officer will be regarded as a form of bullying, intimidation or harassment.
- 2.28 Members of the Council must not pressurise Officers to make a particular recommendation to the Council. Members must at all times respect the obligation placed on Officers to exercise professional or technical judgment.

- 2.29 Members are not prevented from discussing issues with Officers or promoting a particular point of view. Whilst Officers will consider the views being put they are not, in any way, compelled to provide advice which coincides with the Member's view. Any pressure by a Member upon an Officer to change their professional recommendation constitutes unacceptable undue pressure and is not permissible.
- 2.30 Members must not give directions, nor make direct criticism, to the Council's employees. Any criticism of an individual employee should be taken up with the Chief Officer, the Chief Executive or the Monitoring Officer as appropriate in the manner set out in 2.25 above. This standard of conduct is not intended to prevent Members from disagreeing openly, courteously and publicly with an Officer's recommendation.

HONESTY AND INTEGRITY

- 2.31 Members and Officers should not place themselves in situations where their honesty or integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

PUBLIC CONFIDENCE

- 2.32 Members and Officers of the Council should always act in a way that preserves public confidence.

MEMBERS ACTING AGAINST THE COUNCIL

- 2.33 If a Member is about to act in a professional or private capacity against the Council, he/she must notify the Borough Solicitor in writing. This applies to any action by a spouse/partner, associate, employer or by a company in which the Member has an interest. This provision also applies to co-opted Members for matters which are within the responsibility of the Committee on which they serve.
- 2.34 Details given will be recorded in a Register which will be open to public inspection.

3. ACCESS TO INFORMATION

Rights of Members to Information/Documents

- 3.1 Members may approach the Chief Executive, any Chief Officer or head of any service to provide them with such information, explanation and advice (about their functions and responsibilities) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 3.2 Members have, as a starting point, the same rights to any information held by the Council that ordinary members of the public enjoy under the Freedom of Information Act 2000.
- 3.3 In addition, a Member has the right to see any document within the possession or control of the Council that contains material relating to an item to be discussed at a meeting of the Council or a Committee or Sub-Committee/Working Group. However, a Member does not have the right to be provided with "exempt" or "confidential" information (i.e. that which is not available to the public) unless he or she can demonstrate "a need to know" that information to enable them to carry out their duties as a Councillor.

Refusal of Access

- 3.4 Access may, even in respect of Committee/Working Group Members, be refused if the reasons for inspecting any documents are improper, indirect or ulterior, or are inconsistent with the Council's interests. Examples of such circumstances are where a Member:
- (a) has a private professional or business interest in the information;
 - (b) has a disclosable pecuniary interest in the matter to which the document relates; or
 - (c) has taken up, or is considering taking up, support of a person or body which is hostile to the Council in Court proceedings or at Inquiries.
- 3.5 Furthermore, where a request will require the devotion of a significant amount of staff resources to identify and collate information which is considered to be of marginal benefit, the request for information may be refused.
- 3.6 Disputes as to the validity of a Member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek advice from the Monitoring Officer if in any doubt about the reasonableness of a Member's request.

Use of Confidential Information

- 3.7 Any confidential or "exempt" information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council. A Member must never disclose confidential or "exempt" information to anyone who is not themselves entitled to that information.

4. CORRESPONDENCE

No “Blind” Copies

- 4.1 If an Officer copies correspondence addressed to one Member to another Member, then this should be made clear to the original Member. A system of "blind copies" must not be employed.

Official Correspondence

- 4.2 Official correspondence on behalf of the Council should normally be sent out under the name of the appropriate Officer rather than under the name of a Member. It may be appropriate in certain circumstances, for example representations to a Government Minister or where a letter is specifically addressed to the Mayor or a Committee Chair, for the letter to appear under the name of that particular Member, but this should be the exception rather than the norm. Letters which, for example, convene formal meetings, create obligations or give instructions on behalf of the Council should never be sent out under the name of a Member.

5. LOCAL MEMBERS AND OFFICERS

5.1 To enable them to carry out their Ward role effectively, Members need to be fully informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.

5.2 This requirement is particularly important:

- during the formative stages of policy development, where practicable;
- in relation to significant or sensitive operational matters;
- whenever any form of public consultation exercise is undertaken; and
- during an overview and scrutiny investigation.

5.3 Issues may affect a single Ward. Where they have a wider impact, a number of local Members will need to be kept informed.

Member Requests

5.4 Whilst Officers should provide general advice/assistance to Members on matters of Council business, Officers should not be subjected to pressure to undertake work at the direction of a local Member for Ward business which is not in the Officer's work programme/normal daily responsibilities.

Public Meetings

5.5 Whenever a public meeting is organised by, or on behalf of, the Council to consider a local issue, all the Members representing the Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the local Members should be notified at the outset of the exercise.

Meetings Called by Members

5.6 Any meeting at which members of the public are in attendance which has been called by an individual Member or group of Members, rather than by a Council Officer, shall not be regarded as a meeting called by the Council. An Officer shall not attend such a meeting (in his/her capacity as an Officer) unless specifically authorised by the Chief Officer / Chief Executive.

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 April 2016
Subject:	Community Infrastructure Levy: Draft Charging Schedule
Report of:	Julie Wood, Development Services Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D M M Davies
Number of Appendices:	One

Executive Summary:

On 14 April 2015 Council agreed a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS) for public consultation. This work was progressed in collaboration with Cheltenham Borough and Gloucester City Councils.

The report now before Council draws together all the relevant threads of information informing the revisions to the charging schedule, taking account of consultation responses to the PDCS and further detailed viability assessment work.

This report seeks Council approval to undertake public consultation on the Tewkesbury Borough CIL Draft Charging Schedule (DCS) prior to independent examination. Cheltenham Borough and Gloucester City Councils will also be consulting on their Draft Charging Schedules.

Recommendation:

- 1) That the Community Infrastructure Draft Charging Schedule be APPROVED for public consultation.**
- 2) That authority be delegated to the Deputy Chief Executive, in consultation with the relevant Lead Member, to prepare the final consultation documents as required based on the information contained in Appendix 1.**
- 3) That the Deputy Chief Executive be authorised to agree the date of public consultation on the Draft Charging Schedule with Cheltenham Borough and Gloucester City Councils.**
- 4) That the Deputy Chief Executive, following the conclusion of the public consultation, be authorised to compile and submit responses received, along with the Draft charging Schedule, to the Planning Inspectorate for Examination.**

Reasons for Recommendation:

The development of a CIL Charging Schedule enables the Council to ensure that new development contributes proportionately to infrastructure provision whilst taking into account the need to strike an appropriate balance which does not threaten viability.

Resource Implications:

The cost of taking CIL forward has been estimated at £105,000 between the three Joint Core Strategy (JCS) authorities and covers the following requirements:

Consultation £5,000.

CIL resource support £30,000.

PBA further analysis including presentations £20,000.

Examination £50,000.

Tewkesbury's contribution of £35,000 has been provided in the 2016/17 budget through the increased overall contribution to the JCS of £195,000.

Further costs are anticipated for the implementation stage of CIL which may need specific additional funding from the partner Councils. A further request will be made at a later date should this be necessary. On an ongoing basis there will be costs to administer the scheme. Options for delivery are currently being investigated and costed, giving consideration to the CIL Regulations, which provide for Charging Authorities to recover their administrative costs from CIL income, up to a total of 5%, including set up costs of CIL, fees involved in setting the charge and any training - defrayed against the first 3 years income.

Legal Implications:

The formal procedure for the setting and adoption of CIL charges is set out in the Planning Act 2008 (as amended by the Localism Act 2011) and the Community Infrastructure Regulations 2010 (which are known collectively as "the drafting requirements"). Under the drafting requirements, a Charging Authority (the local planning authority) which proposes to charge CIL must prepare a Draft Charging Schedule (DCS) and then formally publish the DCS together with the appropriate available evidence on infrastructure costs, other funding sources and economic viability for consultation for a minimum period of four weeks. After the close of the consultation process, the Charging Authority must then submit the DCS for public examination before an independent person, who is usually a Planning Inspector. After the consultation period, a DCS may be amended to take account of consultation responses but such amendments should not be substantive. Any such changes must then be set out by the Charging Authority in a "Statement of Modifications" and must take such steps as it considers necessary to inform consultees that such Statement has been made. At the examination in public of the DCS, anyone who has asked to be heard during the consultation period or following any Statement of Modifications, must be heard in public. At the examination, the evidence base for the Charging Schedule is examined in public prior to the adoption of the CIL so it is critical that the Charging Authority's evidence base is robust. The PBA report is the evidence in this case and meets this test. For the examination, a Charging Authority should set out and present in evidence: 1) A draft list of projects or types of infrastructure that are to be funded wholly or in part by the CIL (in order to provide evidence of a funding gap); and 2) Any known site specific matters for which s.106 contributions may continue to be sought. Further matters to note in relation to the examination in public are: - a) Where a Charging Authority has chosen to work collaboratively with other charging authorities they may opt for a joint examination. b) The Charging Authority must meet the costs of the examination. Following the public examination, the Examiner produces a report of their recommendations to the Charging Authority in writing. The following options available to the Examiner are to approve the Charging Schedule; or to reject it or approve it subject to modifications (but it must give reasons for the recommendations). Provided that the Charging Authority has complied with the requirements of the drafting requirements, the Examiner must recommend approval of the DCS. The Charging Schedule must be formally approved by a resolution of the full Council of the Charging Authority and, within it, that resolution should include an appropriate commencement date following or on approval. The approved Charging Schedule must then be published setting out the date of its effect

Risk Management Implications:

Failure to develop a CIL would reduce the Council's ability to ensure that new development contributes proportionately to infrastructure provision in the longer term. The Council will also continue to utilise Section 106 agreements to secure appropriate infrastructure contributions. Failure to adopt a CIL means that the Council could be disadvantaged by changes to Section 106 which took effect on 6 April 2015 which limit the pooling of contributions for the infrastructure needed to support new development.

Performance Management Follow-up:

The JCS Operational Management Team will manage the co-ordination of the consultation exercise and the resultant responses for submission to the inspectorate.

Environmental Implications:

None.

1.0 BACKGROUND

- 1.1** The Council currently collects contributions from developments from Section 106 planning obligations to contribute towards the provision of necessary infrastructure. However, as a result of the Planning Act 2008, and subsequent regulations, the Community Infrastructure Levy (CIL) was introduced in April 2010 which significantly reduces the ability of Councils to collect such monies using this method.
- 1.2** In overall terms, CIL is intended to be used for general infrastructure contributions whereas the current Section 106 (S106) process is for site specific mitigation. The introduction of CIL is a response to concerns about the use of S106 obligations: they are not transparent, are ineffective in providing for major infrastructure and the needs arising from cumulative development, they have a disproportionate impact on larger developments, and many developments make no financial contribution. The set charges, and the legal obligation to pay a CIL where introduced, are intended to bring much greater certainty and to capture a broader range of development to contribute.
- 1.3** CIL charges are levied on new development and are payable when development commences or as staged payments after the commencement of development. The charges are set by the Local Planning authority, which is called the 'Charging Authority'.
- 1.4** The introduction of CIL in April 2010 remains discretionary for the Local Planning Authority. However, the scaling back of the use of S106 obligations (in April 2015) is not discretionary and has significant impacts for those planning authorities deciding not to adopt CIL. Since April 2015, the Council cannot now pool S106 payments where there have already been five or more S106 contributions (since April 2010), toward any named project or named type of infrastructure that could otherwise be funded through CIL. In practice, this means that S106 will continue to apply to site specific mitigation measures and on-site elements (such as open space, affordable housing, play areas, highway access, etc.), but is restricted.

- 1.5 CIL differs fundamentally from S106 in that the funds collected are not tied to a specific development or the provision of specific infrastructure. Unlike infrastructure provided through S106 obligations, which must be necessary to mitigate the impact of a particular development and used only for that specific purpose, CIL funds can be used flexibly by the Local Planning Authority to fund any infrastructure as defined within the Regulations. They can be pooled freely (unlike S106) to fund infrastructure priorities and collectively between authorities in order to make larger strategic investments.
- 1.6 Negotiation for affordable housing falls outside of the CIL Regulations and will continue to be negotiated by S106 agreements. However, decisions made in regard to CIL charges have direct implications on the future negotiation of affordable housing. At the time of writing this report the Government has yet to determine whether the starter home initiative (as an alternative to other affordable housing products) will be formally introduced.
- 1.7 Charging authorities must spend the CIL income on infrastructure. It is, however, unlikely that CIL will, on its own, fully fund the entire necessary infrastructure within an area.
- 1.8 The CIL Regulations (Regulation 14) are quite clear, however, that a charging authority ***‘must strike an appropriate balance’*** between the need to capture funds for infrastructure and the potential effects of the CIL rates upon the economic viability and delivery of development, taken as a whole across its area. The CIL Regulations allow for different charges for different types of development, different geographical areas and different scales of development. The viability evidence must justify differential approaches and is therefore key to establishing CIL rates.

2.0 **DEVELOPING THE TEWKESBURY BOROUGH COMMUNITY INFRASTRUCTURE DRAFT CHARGING SCHEDULE**

- 2.1 Since 2014 the Borough Council, in collaboration with Cheltenham Borough Council and Gloucester City Council (JCS Authorities), have been working with Peter Brett Associates (PBA) who have been advising on CIL. The first formal stage in preparing a CIL is the requirement to prepare a Preliminary Draft Charging Schedule for public consultation and, on 14 April 2015, the Council agreed to approve the Community Infrastructure Levy Preliminary Draft Charging Schedule (PDCS) for consultation.
- 2.2 The PDCS was the subject of a six week period of public consultation from 29 May to 10 July 2015. A total of 34 representations were received during the consultation period and a further two responses were received after the consultation closed. Most of the consultation responses raised queries regarding the evidence for the viability assessment.
- 2.3 The JCS Authorities have, therefore, continued to work with PBA to undertake a review of JCS viability and to progress the preparation of the next stage of the CIL process which is the preparation of a Draft Charging Schedule (DCS) for public consultation. As part of this review a workshop was held with developers to more fully understand the queries with regards to the viability issues. The ongoing work with PBA also involved a review of the evidence base and is based on a detailed assessment of the following:-
- a range of typologies of the nature and scale of development; and
 - the Strategic Allocations as set out in the JCS.

2.4 PBA's report of these viability issues was completed at the end of January and the findings of this report have been used to inform the preparation of the attached Tewkesbury Borough CIL DCS (see Appendix 1). The outcomes of this further viability work and the recommendations contained in the PBA report were presented to the CIL Member Working Group on 22 February 2016 and at a Member Seminar on 2 March 2016.

3.0 PROPOSED DRAFT CHARGING SCHEDULE

3.1 The Draft Charging Schedule (DCS) is the document which sets out the proposals for the Tewkesbury Borough CIL publication. The Charging Authority is required to publish the DCS and invite representations and then submit the DCS for public examination and formal adoption.

3.2 The PBA report concludes that, whilst most sites are viable across the JCS area, when taking account of affordable housing delivery, the type and size of sites and their location likely to come forward - a one size fits all approach is not applicable for the JCS in respect of CIL. The proposed CIL rates for Tewkesbury Borough are, therefore, proposed as follows:-

Residential

1-10 dwellings - £104 per sqm.

11+ dwellings - £200 per sqm.

Non- residential

All retail development outside town centres -£100 per sqm.

All other types of development £0 per sqm.

JCS Strategic Sites (residential only)

All sites apart from A8a - £35 per sqm.

A8a - £0 per sqm.

The Strategic Allocations, given the issues raised above, will utilise Section 106 processes for all on site infrastructure needs and as such will only contribute a lower CIL charge for any off site need. Given the viability issues around the MOD Ashchurch site (A8a Brownfield) there is a nil CIL charge for off-site infrastructure at this location.

A full copy of the proposed CIL for Tewkesbury Borough is attached.

4.0 AFFORDABLE HOUSING

4.1 As referred to above, affordable housing is not included in CIL. However, as part of the PBA report the consultants were asked to look at the balance between providing infrastructure and providing affordable housing. As Members will be aware, the JCS is currently undergoing its Examination in Public (EIP) and the JCS officer team is working with the inspector on revisions to the affordable housing policy which, in the submission document, seeks the provision of 40% affordable housing on sites of more than 10 dwellings. Recommendations from consultants PBA in the context of the viability evidence is as follows:

- Cheltenham and Tewkesbury can suitably continue to work within a policy context of 40% on sites of 10+ dwellings with 0% below 10 dwellings.
- Gloucester does not have the viability to support 40% and 20% is recommended on sites of 10+ dwellings.

- 35% recommended on all strategic JCS sites, in recognition of significant onsite infrastructure and recommendation for CIL charge to be levied.
- To continue a blanket approach of 40% across all sites within the JCS is likely to be at the expense of seeking infrastructure contributions.

5.0 RELATIONSHIP OF THE JOINT CORE STRATEGY TO CIL

- 5.1** In delivering a joint development plan, it is hoped that, if the three JCS authorities each adopt a Charging Schedule, these will be aligned to deliver the best contribution toward infrastructure to support new development.
- 5.2** All work to date has been done together including the consultant advice and viability analysis. While each local authority will adopt an individual Charging Schedule it is intended that they are aligned to maximise the opportunity to reduce costs and achieve better value.
- 5.3** Each Council is thus considering its individual DCS in April and if all three JCS Councils agree to move forward at this time with publication on a DCS for their area, it is proposed that the consultation with accompanying documentation would be co-ordinated jointly. The JCS Councils are working together to align the dates of the consultation. The CIL Regulations sets a minimum of four weeks, but a six week period of publication is proposed.

6.0 INFRASTRUCTURE LIST

- 6.1** The infrastructure list is a list of infrastructure projects or types of infrastructure that the charging authority, by publishing on its website, intends will be, or may be, wholly or partly funded by CIL. CIL cannot be used as well as S106 to collect funds for the same piece of infrastructure. The infrastructure list is referred to as the Regulation 123 list and this is included in Appendix 2 alongside the Draft Charging Schedule.

7.0 NEIGHBOURHOOD FUNDS

- 7.1** In accordance with the CIL Regulations a specific proportion of CIL receipts would be passed to 'neighbourhood funds'. Therefore, in locations with an adopted Neighbourhood Plan, 25% of CIL receipts would be passed to Parish Councils to help fund local infrastructure in their areas. In other areas (where no Neighbourhood Plan has been approved), 15% of CIL receipts would be passed to Parish Councils, capped at £100 per dwelling.
- 7.2** Within the context of the CIL Regulations neighbourhoods have a wider definition of what CIL receipts can be spent on, whereas the Charging Authority is restricted to investing CIL receipts on infrastructure to support the development of the area. These wider spending powers allow the local community to decide what they need to help mitigate the impacts of development. The Regulations state that this proportion of funds must be used "*to support the development of the local area by funding;*
- (a) *The provision, improvement, replacement, operation or maintenance of infrastructure; or*
 - (b) *Anything else that is concerned with addressing the demands that development places on an area".*
- 7.3** If a Parish Council has failed to spend CIL funds passed to it within five years of receipt, or has applied the funds not in accordance with the CIL Regulations, then the Charging Authority can serve a notice on the Parish Council requiring it to repay some or all of the receipts passed. Any recovered funds must be spent by the Charging Authority in the Parish Council's area.

8.0 NEXT STEPS

8.1 Once the Draft Charging Schedule (including the Regulation 123 list) is approved by all three Councils the proposed timetable is as follows:-

- Consultation for 6 weeks commencing - early summer 2016.
- Review responses and submit for examination – summer 2016.
- Examination – anticipated autumn 2016.
- Adoption – anticipated winter 2016.

9.0 OTHER OPTIONS CONSIDERED

9.1 At the early stages of considering CIL, an option not to implement CIL and continue to rely only on negotiations of S106 was investigated. However, the restrictions put in place as set out in Paragraph 1.2, which limit the ability to pool receipts from S106, will result in loss of resource to fund identified infrastructure needs. CIL is a tool that will address the funding gap for infrastructure.

10.0 CONSULTATION

10.1 Public consultation took place on a PDCS from 29 May to 10 July 2015. Comments received have fed into the DCS. A workshop with the development industry has also taken place.

11.0 RELEVANT COUNCIL POLICIES/STRATEGIES

11.1 Submission Joint Core Strategy.

12.0 RELEVANT GOVERNMENT POLICIES

12.1 CIL Regulations.

13.0 RESOURCE IMPLICATIONS (Human/Property)

13.1 Resource is needed to successfully deliver the implementation of CIL, including infrastructure and procedures for billing and governance. As a Charging and a Collecting Authority the Council will need to have a robust system in place for the day to day administration of CIL. Although the liability for CIL is determined through the planning process, there are also legal and financial dimensions and the Council will need to determine how these respective responsibilities are to be integrated and administered. The JCS Operations Board is currently considering options for this. Any further requests for funding will be reported to Members. It should be noted that, within the CIL legislation, provision has been made for 5% of CIL income to be utilised for management fees as well as enabling local authorities to 'claim back' set-up costs.

14.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

14.1 None.

15.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

15.1 None.

16.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

16.1 Community Infrastructure Levy: Preliminary Draft Charging Schedule – report to Council on 14 April 2015.

Background Papers: Community Infrastructure Levy: Preliminary Draft Charging Schedule.

Contact Officer: Julie Wood, Development Services Group Manager
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Appendices: One - Draft Charging Schedule.

Tewkesbury Borough Council
Community Infrastructure Levy
Draft Charging Schedule (DCS)

1.1 Introduction

- 1.1.1 Tewkesbury Borough Council has published this Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) as the Local Planning Authority under powers provided by Section 206 of the Planning Act 2008. The context of CIL is set out at paragraphs 1.4 – 1.6 of this report.
- 1.1.2 Tewkesbury Borough Council, along with Gloucester and Cheltenham are preparing a Joint Core Strategy (JCS). The JCS has a common evidence base including testing viability and infrastructure needs.
- 1.1.3 Viability and infrastructure evidence has been prepared on a joint basis to support the plan, therefore the sections in this report that deal with evidence are written for all three authorities. The aim is to prepare the three DCS on a co-ordinated basis in order to appropriately address cross boundary infrastructure issues. Although this joint evidence base has informed the DCS preparation, each of the JCS councils are CIL charging authorities in their own right and are required to prepare separate CIL Charging Schedules.
- 1.1.4 All relevant evidence can be accessed via the JCS website www.gct-jcs.org. This DCS is being consulted upon alongside the DCS for Cheltenham and Gloucester.
- 1.1.5 This DCS is published for public consultation as a further step in setting a CIL charge for Tewkesbury and has been prepared in accordance with Regulation 16 of the CIL Regulations 2010 (as amended). Any comments made on this document will be submitted to the Inspectorate for examination as per the regulations.
- 1.1.6 The purpose of this consultation document is to set out Tewkesbury Borough Council's CIL Draft Charging Schedule. In addition to the charging schedule, the document explains the general principles of CIL and summarises the methodology / evidence base used in calculating the levels of the charge. Further information can be viewed on the Council's website and a hard copy of the Draft Charging Schedule will be available at the following locations during the consultation period:

Council Offices
Gloucester City Council
Cheltenham Borough Council
Tewkesbury Borough Council
Gloucestershire County Council
Libraries
Gloucester Central
Cheltenham Central
Tewkesbury Town
Bishops Cleeve
Brockworth

Churchdown
Winchcombe Library and Children's Centre
Hucclecote
Longlevens
Matson
Quedgeley
Tuffley
Charlton Kings
Hesters Way
Prestbury
Up Hatherley
Other Locations
Gloucester Tourist Information Centre
Hesters Way Neighbourhood Project
Cheltenham West End Partnership
Brockworth Advice Centre
Churchdown Advice Centre
Winchcombe Advice Centre
Bishops Cleeve Advice Centre

1.2 Procedure for representations

1.2.1 Comments on this document are welcome during the consultation period of 6 weeks from xxxxxxxx to xxxxxx (dates to be confirmed).

1.2.2 Should you wish to comment on this document please could you contact the following:

- By email to cil@gct-jcs.org
- By post to: JCS Community Infrastructure Levy Team, Municipal Offices, Cheltenham, Gloucestershire, GL50 9SA.

1.2.3 The closing date for comments is 5pm xxxxxx. Any comments received after this date will not be submitted to the Inspectorate as duly made.

1.2.4 Please note that the preferred method of receiving consultation responses is via the DCS questionnaire which can be downloaded from www.gct-jcs.org

1.3 Timetable

1.3.1 The anticipated stages of preparation and consultation are set out in the following table:

Table 1.1: Anticipated timetable

Stage		Description	Date
1	Preliminary Draft Charging Schedule	Consultation on the initial rates proposed within the Preliminary Draft Charging Schedule	Complete
2	Draft Charging Schedule	Consultation on the Draft Charging Schedule CIL rates informed by the consultation responses on the Preliminary Draft Charging Schedule.	Summer 2016
3	Submission to Independent Examiner	The Council can submit the proposed Draft Charging Schedule for examination.	Autumn 2016
4	Examination in public	The Draft Charging Schedule is examined by an independent examiner through a public hearing.	Winter 2016
5	Adoption and Implementation	The Charging Schedule is published online and will take effect on the date stated in the Charging Schedule.	Winter 2016

1.4 Context

1.4.1 The Community Infrastructure Levy (CIL) is a locally set planning charge, introduced by the Planning Act 2008 (as amended) as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

1.4.2 CIL allows local authorities to generate funding from development for the provision of infrastructure in and around their location or strategic cross boundary infrastructure projects where several local authorities contribute. Importantly, CIL is not intended to fund the entire infrastructure required for Gloucester and that required to support cross boundary development as this would result in unviable development, but instead is intended to supplement other funding streams.

1.4.3 The level of CIL to be charged can only be set on the basis of evidence based viability. An appropriate balance must be struck between the desirability of funding from CIL required to support the development of its area; and the potential effects of the imposition of CIL on the economic viability of its area.

1.5 Legislative background

1.5.1 CIL is governed by legislation that came into force on 6th April 2010. Guidance and Regulations are prepared by the Department for Communities and Local Government (DCLG) as set out in:

- The Planning Act 2008 as amended by the Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2008/29/contents>
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- The CIL Regulations 2010, as amended in 2011, 2012, 2013 and 2014

<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
<http://www.legislation.gov.uk/ukdsi/2011/987/contents/made>
<http://www.legislation.gov.uk/ukdsi/2012/9780111529270>
http://www.legislation.gov.uk/ukdsi/2013/982/pdfs/ukdsi_20130982_en.pdf
<http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents>

- National Planning Policy Framework: Planning Practice Guidance on CIL.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
<http://planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/>

1.5.2 Authorities cannot charge for the same items through both CIL and planning obligations. Local Authorities who intend to adopt a CIL should publish a “Regulation 123 List” by April 2015 to identify the infrastructure that it is intended will be, or may be, wholly or partly funded by the levy. A Regulation 123 list is appended to this report.

1.6 Why introduce CIL?

1.6.1 Central to the rationale for introducing CIL is the widely held belief that most development has some impact on the need for infrastructure and services, or benefits from them. Therefore it is considered appropriate that such development pays a share of the cost, particularly given the potential financial benefits that planning permission can bring to developments. Under the current regime of Section 106 agreements (another form of planning agreement used to provide funding for certain infrastructure projects) this cannot be achieved as obligations must be directly related to the development. In addition smaller sites tend to fall outside negotiation of obligations. Additionally, contributions from CIL can be pooled and used to lever investment or loans from other sources (for example Gloucestershire Infrastructure Investment Fund, Pinchpoint funding).

1.6.2 Unlike Section 106 agreements, once adopted, a CIL charging liability is non-negotiable. The levy is a standard fixed charge which provides developers with much more certainty about how much money they will be expected to contribute, which can be factored in to their development calculations. This provides clarity to the developer and transparency to the landowner.

1.6.3 Importantly, from April 2015, the local authorities are restricted on the pooling of Section 106 planning obligations which changes the way infrastructure is delivered across Gloucester. The regulations allow for a maximum of five Section 106 planning agreements to be pooled for specific infrastructure projects. Therefore, the implementation of CIL will provide that flexibility in the pooling and spending of monies from developments and can be spent on any identified infrastructure need (unlike Section 106 agreements which require a direct link between the development and any infrastructure project).

1.6.4 Nevertheless, it will still be possible for specific infrastructure projects to be funded through Section 106 planning agreements, but only where these are directly related to a proposed development and are needed to make individual planning applications acceptable in planning terms. The statutory tests for S106 agreements as set out in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework will still need to be applied. These tests being that

- they are necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

- 1.6.5 It is intended that CIL sits alongside the current Section 106 regime rather than directly replacing it with regulations in place to ensure that there is a distinction between the two systems and that they do not overlap.

1.7 Chargeable development

- 1.7.1 CIL is levied on the development of virtually all buildings that people 'normally go into'. The following development types will be liable for CIL:

- Developments of more than 100m² new floorspace;
- Development of less than 100m² which result in the creation of one or more new dwellings;
- The conversion of a building that is no longer in lawful use.

Exemptions

- 1.7.2 The CIL Regulations provide for certain types of development to be exempt from CIL, which include:

- Development by registered charities for the delivery of their charitable purposes;
- Those parts of a development which are to be used as social (affordable) housing;
- The conversion of any building previously used as a dwelling house to two or more dwellings;
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling;
- The conversion of, or works to, a building in lawful use that affects only the interior of the building;
- Development of buildings and structures into which people do not normally go (e.g. pylons, wind turbines and electricity sub stations);
- Residential annexes and extensions (where the person who would normally be liable for the charge owns a material interest in the main dwelling and occupies the main dwelling as the sole or main residence);
- Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.

Setting the levy

- 1.7.3 The rate of CIL is determined by the charging authority. It is scrutinised by an independent examiner to assess whether the charge has regard to the evidence base and that the level of charge is reasonable and will not impact negatively on the economic viability of development taken as a whole across the Authority's area.

- 1.7.4 Under Regulation 13 of the Community Infrastructure Regulations 2010 (as amended) a CIL charge can either be set as a single rate which covers all types of development across the whole of an area or as differential rates which cover different development types and/or different areas. Whilst guidance also denotes that it is also possible for some types of development to have a zero rating this can only be based on viability and cannot be used to encourage certain types of development within an area as this could be considered as state aid and would therefore be deemed unlawful. A CIL charging schedule can be reviewed, but this would then be subject to re-consultation and examination.

1.8 Evidence base used

1.8.1 To support the DCS an update of the plan viability was completed (noted as item e. below) and this in conjunction with previous documents used for the PDCS informed the schedule. These documents can all be viewed on the JCS website www.gct-jcs.org and include:

- a. Stage 1 and Stage 3 Viability assessments of local development typologies/representative development schemes
<http://www.gctjcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
- b. Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy
<http://www.gct-jcs.org/PublicConsultation/EINFEvidence-Infrastructure.aspx>
- c. Joint Core Strategy, Submission version November 2014
<http://www.gctjcs.org/Documents/Publications/Submission/JCS-Submission-Version-November-2014acorrected.pdf>
- d. Gloucester City Council, Cheltenham Borough Council & Tewkesbury Borough Council, Infrastructure Delivery Plan.
<http://www.gct-jcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
- e. Viability Evidence – Plan Viability, Community Infrastructure Levy and affordable housing study, Peter Brett Associates LLP, January 2016.
<http://www.gct-jcs.org/Documents/Examination-Document-Library-4/EXAM-176---JCS-CIL-and-Plan-Viability-Report-Final-January-2016.pdf>
- f. JCS CIL Preliminary Draft Charging Schedule Consultation Report, February 2016
(link to be added to JCS web-site)

1.8.2 Subsequent to the initial viability work completed by the District Valuer Services (referred to as DVS henceforth), Peter Brett Associates (referred to PBA henceforth) were jointly commissioned by Gloucester City, Tewkesbury Borough and Cheltenham Borough to undertake a further viability assessment taking into consideration the updated JCS development plan, comments made on the PDCS (included within the PDCS Consultation report, listed above), discussion at the JCS examination as well as meetings with relevant developers and stakeholders on infrastructure needs.

1.8.3 The main purpose of a plan viability (or PV) assessment is to provide evidence to show that the requirements of the National Planning Policy Framework (NPPF) are met. That is, the policy requirements in the Plan should not threaten the delivery of the plan as a whole. The objective of this study is to inform policy decisions relating to the trade-offs between the policy aspirations of achieving sustainable development and the realities of economic viability. A key outcome of this is to establish the surplus residual land value (referred to as the “headroom”) left over once other build and policy costs are taken into account. This analysis then provides the scope for setting a CIL rate.

1.8.4 The latest plan viability assessment (item e. above), further reviewed the types of developments most likely to come forward in the JCS area.

1.8.5 It is intended that the DCS is read in conjunction with this viability assessment, particularly for further details regarding the methodology and assumptions.

1.8.6 The viability work raises ‘viability pressures’ between the delivery of infrastructure via CIL and the balance with continued Section 106 obligations for site specific infrastructure

and affordable housing. The council, in implementing CIL, needs to achieve a realistic balance which does not undermine the viability of development.

1.9 Proposed CIL rates

- 1.9.1 The viability work conducted by PBA (in the report 'Community Infrastructure Levy and affordable housing study, Peter Brett Associates LLP, January 2016') provides the following recommendations for CIL within Tewkesbury. The following amounts are represented as a £ per square metre value.

Residential development

- 1.9.2 For the residential sites in Tewkesbury the recommended CIL rate is in table 1.2 below.

- 1.9.3 Table 1.2 also sets out the CIL rates for strategic sites that are located within Tewkesbury's administrative area.

Table 1.2: Proposed residential CIL rates

		Recommended CIL £ sq. m	Recommended Affordable Housing (AH)
Generic sites	Tewkesbury 10 dwellings and under	£104	0%
	Tewkesbury 11 dwellings and over	£200	40%
Strategic sites	A1 Innsworth	£35	35%
	A2 North Churchdown	£35	35%
	A3 South Churchdown	£35	35%
	A4 Brockworth	£35	35%
	A5 Northwest Cheltenham	£35	35%
	A6 Leckhampton	£35	35%
	A8a MOD Ashchurch	£0	35%
	A8b MOD Ashchurch	£35	35%

Other forms of development

- 1.9.4 In addition to residential uses a number of other uses have been tested. With the exception of retail uses, all other uses were found to have insufficient headroom to levy a charge.

Table 1.3: Proposed Non residential CIL rates

	Recommended CIL £ sq. m
Retail development outside town centre	£100
Retail development within town centre	£0
Any Office uses	£0
Any Industrial uses	£0
Retirement Homes	£0
Extra Care Homes	£0
Student Accommodation	£0
Hotels	£0
All other forms of development not previously listed	£0

1.10 Spending of CIL

- 1.10.1 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), henceforth referred to as 'CIL Regulations', the charging authority will publish on its website their intention for how revenues raised from the levy will be spent. This will make clear what items will in future fall under the CIL rather than S106, but also show contributors and other interested parties what types of infrastructure the CIL could be spent on. In formulating the Regulation 123 list the Council will continue to work closely with other bodies to address strategic infrastructure and that delivered by other public authorities, for example, Gloucestershire County Council. The Reg 123 list is attached to this document under Appendix B.

- 1.10.2 The CIL regime allows authorities to respond to changing local circumstances, by spending revenue from the CIL on different projects from those identified during the rate setting process. Therefore the Regulation 123 list will be continually reviewed and updated accordingly. Changes to the Regulation 123 list will be updated via the council website.

1.11 Duty to pass CIL to local councils

- 1.11.1 CIL regulations outline provision for receipts to be redistributed to local parish councils, or to be spent on behalf of designated neighbourhood forums. The proportion allocated to the local council, or spent on behalf, is dependent on the adoption of a neighbourhood plan. Where a neighbourhood plan is in place, 25% of the CIL is passed to the local council. Where a neighbourhood plan is not made, 15% is passed to local councils, subject to a cap equivalent to £100 for every existing dwelling in that area.

1.12 Optional exemptions and discretionary matter

- 1.12.1 The CIL Regulations allow Local Authorities to make certain choices about how to implement the CIL and the Council would like your views on the following options:

Payment by instalments (Regulation 69b)

- 1.12.2 Payment of a CIL charge is due from the date at which a chargeable development commences. The Council can offer the payment of CIL by instalments to provide flexibility and support for more complicated and phased developments. An 'instalment policy' stating the parameters of this process would be published alongside the adopted Charging Schedule.

Social housing relief (Regulation 49)

- 1.12.3 The Council can allow, at its discretion, relief from liability to pay a CIL charge to new market houses that are to be sold at no more than 80 per cent of their market value.

Land and infrastructure in-kind (Regulations 73&73A)

- 1.12.4 The Council can allow, at its discretion, the value of land transferred to the Council and infrastructure provided or constructed by a developer to be offset against the CIL charge. This would enable developers to provide the infrastructure needed to support new development directly, rather than paying for it indirectly through the CIL. The value of land and infrastructure in kind would be determined by 'a suitably qualified independent person' (for example the District Valuer).

Relief for exceptional circumstances (Regulation 55)

- 1.12.5 Liability to pay a CIL charge on chargeable development is a statutory obligation and is non-negotiable. The Council can, however, in exceptional circumstances offer discretionary relief from liability to pay a CIL charge. Offering this relief would provide the Council with some flexibility to deal with complex sites which are proved to have exceptional costs or other requirements which make them unviable.

- 1.12.6 Justification for this relief would have to be demonstrated through (independently verified) appropriate evidence of viability and is entirely at the discretion of the Council. This relief can be activated and deactivated at any time subject to a notice of intention to be published by the Council.

Relief for charitable investment activities (Regulation 44)

- 1.12.7 The Council can allow, at its discretion, relief from CIL liability to charity landowners where the greater part of a development is held as an investment from which the profits are applied for charitable purposes.

1.13 Your View

We would like your view on the Draft Charging Schedule by the closing date **xxxxxxxxxx** (to be finalised) and any responses will be submitted to the Inspectorate as part of the submission information under Regulation 19.

Appendix A: DCS rates proposed for Cheltenham and Gloucester including the Strategic Allocations.

1.13.1 The tables and explanations below summarise the proposed DCS CIL rates for Gloucester and Cheltenham as well the Strategic Allocations.

Table A4: Cheltenham and Tewkesbury Proposed DCS rates – Generic Sites

		Recommended CIL £ sq. m	Recommended Affordable Housing (AH)
Generic sites	Gloucester 10 dwellings and under	£0	0%
	Cheltenham 10 dwellings and under	£148	0%
	Gloucester 11 dwellings and over	£45	20%
	Cheltenham 11 dwellings and over	£200	40%

1.13.2 For commercial units, PBA's testing indicates that all out of centre and convenience typologies were viable. To ensure a simple and consistent approach, a CIL rate of **£100 per sq. m** for these types of units is proposed. Whilst viability of town centre retail across the JCS area varied, it was recommended that this type of development could not support a significant charge in any of the JCS authorities.

Appendix B: Regulation 123 list for PDS

In accordance with the Planning Act (2008) as amended by the Localism Act (2011) and the Community Infrastructure Levy Regulations (2010) as amended.

The infrastructure that may be funded by CIL will be set out in lists to be published from time to time by the Charging Authority - known as the Regulation 123 list.

The table below gives an indication of the types and categories of infrastructure and/or specific infrastructure projects to which CIL receipts raised by the Council as the Charging Authority could be applied.

In general it is proposed that site specific mitigation measures, including providing a safe and acceptable means of access to a public highway, or roads providing access to a development, will be secured through planning conditions or S106 obligations.

Other more strategic infrastructure may be supported in whole or in part through CIL.

The inclusion on the list of an infrastructure project or type of infrastructure does not represent a commitment by the Council to provide that project or type of infrastructure either with or without funding from CIL. The only function of the list is in relation to the future use of S106 agreements and to avoid any perception of double charging to developers. The Infrastructure List gives an indication of the categories of infrastructure currently intended to be funded by CIL or other means. The list can be reviewed on a regular basis, for example annually, to ensure that it remains up to date.

Reg. 123 List – Tewkesbury (including Strategic Allocations if applicable)

Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
Section A: All Non-Strategic Allocations	
Transportation Transportation infrastructure for walking, cycling, public transport and highways.	Development specific mitigation works on, or directly related to, a development site.
Education Provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary (covering ages 2 – 19)	
Flood and Water Management Flood risk mitigation to support development across the area.	Development specific mitigation works on, or directly related to, a site.
Social and Community Infrastructure Including social and community facilities, sports, recreational, play infrastructure and youth	Development specific mitigation works on, or directly related to, a site.

Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
provision, and cultural infrastructure.	
Green infrastructure Strategic green infrastructure.	Development specific mitigation works on, or directly related to, a site.
Historic Environment Conservation and enhancement of the historic environment, heritage assets and their setting.	Development specific mitigation works on, or directly related to, a site.
Public Realm, Art and Culture Off-site provision/ enhancements.	Development specific mitigation works on, or directly related to, a site.
Emergency Services (Police, Fire and Ambulance) Including infrastructure to support the capacity of local services in areas of major growth.	Provision of fire hydrants.
Economic Development Infrastructure Including off-site starter business units, information and communications technology, supporting other employment initiatives.	On-site infrastructure and non-infrastructure Initiatives such as skills training and local employment initiatives.
Waste Recycling Provision of household waste recycling and waste management facilities	On site collection facilities and waste reduction initiatives.
Renewable Energy Infrastructure Renewable Energy infrastructure	
Section B: Strategic Allocations	
Strategic Infrastructure Infrastructure not directly linked to the development site of strategic nature	All site specific infrastructure needs.

Agenda Item 13a

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Agenda Item 13b

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